The GROUNDS OF OBEDIENCE AND GOVERNMENT.

BY

Thomas White, Gentleman.

Salus populi, suprema lex esto.
Tullius de legibus, lib. 3.

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TO
My most honoured, and best Friend, Sir *KENELME DIGBY.*

Sir,

He many attempts you have this long time made upon me, to declare a point of Philosophy, wherein partly I was ignorant, and partly loth to meddle (being mindefull of the Poets admonition, *Incedis per ignes suppositos cineri doloso*) have at the last beaten out of my resistance, this little sparke of fire,

or rather light; borne by the Authors intention, to ſhine, not to burne. For, having by experience of many our debates upon ſingle points, found that ſuch skirmiſhes were not like to gaine the victory of ſatisfaction upon your ſo ſolid underſtanding; I ſaw my ſelfe forced to lay before your eyes, in one Platforme or deſigne, the moſt intimate and bottome principles of Obedience and Governement. The which, I have ſtrived to doe in the moſt ſhort and ſummary manner I was able: not willing to bee over-curious in ſo awfull a ſubject. I play therefore the pure Philoſopher. I deliver the

the abſtract notions onely: leaving to the prudence of particulars, to draw ſuch conſequences, as every ones circumſtances ſhall make neceſſary and evident unto him by the ſhort hints I give. And as for your ſelfe, I doubt not but my time is well employed. As for others, I feare the fortune of my other Writings, may prove conſtant alſo to this; that it will finde, thoſe who reade it not, or who cannot judge of it, ſevere Cenſurers: and thoſe who like it, fearfull to oppoſe ſo loud and clamorous a multitude; or at leaſt, ſtonned with the adverſe noiſe. But for this, let the eternall Providence

vidence care. To me such clamours will bee no novelties: But the content of having given you satisfaction, an abundant reward of the endeavours of

Sir,

Your true friend, and

most obliged Servant,

THOMAS WHITE.

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THE

THE GROUNDS OF OBEDIENCE And GOVERNMENT.

The first GROUND.

Wherein consists the Perfection of Government.

XEnophon, in his excellent Booke of the instruction of *Cyrus*, moves this Question, Why, of all other living Creatures, which are of different Natures from Man, wee easily attaine to the mastery and rule; but few men are so intelligent

as to be fit to governe Men; and thoſe few are the higheſt and worthieſt part of Mankind? But, to me, the very Queſtion ſeems to beare the ſolution in its owne bowells. For, when one asks, why Man is hard to be govern'd ſince he governes other Creatures; hee asks, why one, who hath the power to rule others, is himſelfe ſo difficult to be maſter'd: and the anſwer is, becauſe the powers, by which he reduceth others to his obedience, makes him apter to reſiſt them who ſeeke the conqueſt of himſelf; and ſo renders it a higher taske to weild and manage him, then thoſe Creatures which he hath power over.

For, we need not looke into Philoſophy, nor ſtudy learned Bookes, to know that the nature of Man is inclin'd to have its owne will, and caſteth all things which

are

are under his consideration to compasse and effect it: as also, that every ordinary mans knowledge and consideration is farre beyond any we find in other living Creatures; and, by consequence, is farre lesse easily masterable then any of them.

Whence we may plainly collect, that were it possible for a Governour to make every single person in his Dominion particularly understand, that what was ordered by the Governement was his owne trueſt intereſt; such an one would be the most absolute and perfect Governour; and infallibly would find the charge of governing most easie and sweet, as well to himselfe as to his Subjects.

This Case is cleare both in Reason and in Experience. Reason sheweth us, that to draw any thing to Action, according to its owne fit-

neſſe and inclination, is both eaſier to the attempter, and makes the action it ſelfe more efficaciouſly and throughly performed. He that will drive a wedge into a hard piece of wood, ſtrives, as far as the ſcituation gives him leave, to make his hammer fall downewards, becauſe a weight hath, of it ſelfe, an inclination that way, and ſo both the impreſſion is ſtronger and the arme leſſe ſtrain'd, knocking and the very fall of a weight encreaſing by motion downewards: Therefore Black-ſmithes, whoſe continuall labour is to uſe the hammer, lay their iron upon their anvile, that is, in ſuch a ſcituation below their heads, as is moſt fitting to gaine the beſt advantage of the deſcent of their hammers, which they firſt raiſe to give them ſcope of a deſcent.

Upon this principle it is, That they who tutour Dogges, Horſes, Elephants

Elephants and Hawks, knowing the ordinary attractive of Beasts to be meat and some kind of Flattery, make them understand, to the proportion of their capacity, that to do the action they breed them for, gaines them food; to which they joine also certaine motions of stroking and gentle words, that make an impression in the Beast of its owne excellency, and that it pleaseth its master. In like manner, to deterre them from certain actions, cudgels, whips, and harsh words are used; which have a notabler efficacy then one would easily imagine, if he saw it not by experience.

This, now, being apply'd to Mankind, drives the effect home. For Man, being a rationall creature, (whose inclination it is to worke according to knowledge) desires to know that the worke prescribed him is good, that is, good

for him, or his good. And because if two actions be proposed, whereof the one is better for him then the other, the lesse good action deprives him of some good which the more good had brought him; his inclination leads him to do the better, and by consequence to know and dispute which is the better; which is as much as to chuse betwixt them; and this we call being *free*, or having naturall Liberty to do one and not the other. So that, the Nature of Man is to be *free*; and to act what ever he does, because it seems to him the best.

Whence it is evidently concluded, that the perfectest way and most connaturall for governing men is, by making them determine themselves to their actions, and to proceed freely, and act, as it were, by their owne inclinations. This if the

Gover-

Governour can effect, hee ſhall finde both his intent generally performed, becauſe the Subject proceedeth with much affection and courage; and ſeldome or never will his Commands be reſiſted, or their obedience repented: For, men are not wont to repine often at what themſelves chuſe and judge beſt for themſelves; eſpecially if, even after the action performed and peradventure the attempt failed, yet the Subject remaines ſatisfied, that it was beſt for him, in thoſe circumſtances, to do what he did: Now, if the reaſons were ſolid when the Governour propoſed them, ſuch muſt of neceſſity be, for the moſt part, the ſequell.

Experience maketh this ſame as manifeſt as Reaſon concludeth it. What Mother or Nurſe doth not ſeeke to perſwade and win the yet ſucking childe with gay things, with Flattery and ſuch demonſtrations of

Love (that is, of the childs good) as the child is capable of? What Master or Father draweth not his Boyes to schoole and fitting exercises, by promises and propoſalls of good, as play, goodcheere, fine cloathes, and any other toyes ſuitable to their tempers? The ſtronger ages have ſtronger Motives; as, of Honour, Lands, Offices, and the like: by which we ſee the moſt part of men led, not onely to Labour, but even to hazard their lives and thoſe very goods which are propoſed them for motives of their actions.

On the contrary ſide, how ill do thoſe enterpriſes thrive, where the Actors conceive themſelvs either not concern'd or wrong'd? How diligently are excuſes ſought out and eaſily found, and every cauſe of delay judged ſufficient? How readily (if the Actours be in great multitudes (as Soldiers or Schollars

lars) do seditions and mutinies spring up, and all disorders grow bold and spread themselves, the Commander of the action hated and esteemed an oppressour and a Tyrant, his Officers scorned and disobeyed?

This then is, of all hands, concluded, that the proper and naturall way of Governement is, by making the obeyer understand that it is his owne profit which the action aimes at; so to make him work out of the inclination of his owne will, and the dictamen of his owne understanding.

The Second Ground.

That the Nature of Man reacheth not to the Perfection of Governement.

NOtwithstanding this inclination be so naturall to us, yet

Nature is not able to make it perfect in most both persons and actions. Children are not come to the ability of judgeing; some others are so grosse of capacity, they cannot bee brought to understand their owne good, at least in that time and circumstances which Nature hath provided them; Most spend so much of their day in some one Businesse, which they have chosen either for their Livelyhood or pastime, that they have not sufficient Leasure to attaine the Knowledge necessary for other occurrences of their life: Even the greatest Wits are not capable to understand the nature of all things necessary to their owne private conditions. The Prince himself must trust the Physician, the Lawyer, the Mariner, the Soldier, the Merchant, the Cook, the Brewer, the Baker, and divers other Trades and Knowledges, which he hath no possibi-

possibility to understand so perfectly as to be a Master in them.

Nevertheless, Nature doth not recede wholly from her Principle, in thus subjecting one mans understanding to anothers, and the greater most times to the lesser. For it doth not this, otherwise then by making the party subjected see, it is his owne good to trust another's skill. Wherefore, it is true, that he followes his owne inclination, and is ruled by his owne understanding; and so governes himselfe; onely, hee is a degree higher, not busying his thoughts about the particular worke, but onely about chusing the master of the worke, or about his own submission, that is, his owne action, as he is a man, and his action as that of a man, and not of a Physician or Pilot, or such other particular discipline or Quality. It remaines therefore still that hee

hee is free, and Master of his owne action and the commanding part of it.

The Third Ground.

That a Rationall beliefe is necessary to Humane Action.

OF those things to whose knowledge wee cannot our selves arrive, but must rely on the credit of others, there are two kinds; some purely to be believed, others to be also acted. As, when we informe our selves of what passed in some forreigne Country, or of the nature of Trees or Beasts wee never have use of; wee are barely to assent to what is delivered: But, when a Physician telleth us wee must take a Purge or keepe such a Dyet; wee doe not onely believe him

him but act according to our beliefe. Now, though in truth this ſecond ſort belongeth properly to our diſcourſe apart, becauſe the nature of pure beliefe is intrinſecally included in it, as a part in the whole; yet wee muſt firſt note the Errours to bee avoided in a meere ſpeculative aſſent: And theſe are two; one of *defect*, and one of *exceſſe*.

The vice by *defect*, warnes you to believe no thing but what your ſelfe underſtand, that is, indeed to *believe* nothing at all. But, were theſe men bound to their own Law, that they ſhould take no Phyſick till they knew it would doe them good, at leaſt as well as the Phyſician doth; nor truſt their cauſe to a Lawyer till they underſtood the ſubtleties as perfectly as hee; and ſo in other vocations; I doubt they would have neither health nor wealth

wealth for Phyſician or Lawyer to worke upon.

But, becauſe thoſe who advance this propoſition are perſons of wit, I muſt not think they ſtumble at ſo notorious a block: Therefore, their meaning is onely, that wee ought not to beleeve, but what we are able to underſtand if wee had will and leiſure to ſtudy. But, even ſo explicated, it is a moſt wilfull propoſition, reaſon being quite on the oppoſite ſide: For, let the Authority which denounceth me a Truth, be ſufficient to make it credible, and overvalue the myſteriouſneſſe of the object; and the higher it is above my knowledge, the more neceſſity there is of believing it. What is but a little above me, I may eaſily come to know; and ſo need not believe but take paines and ſee it: Beliefe is ordained for Truths whoſe direct and immediate evidence wee

cannot

cannot compaſſe; and therefore is more proper, more due, more requiſite for ſuch as are above our knowledge.

But, peradventure theſe ſmart perſons do ſuppoſe that all things which have a poſſibility to be knowne, are the ſubject of mans wit; and ſo take theſe two to ſignifie the ſame ſence, that the object is ſuch as we are able to underſtand, and that it is underſtandable, or doth not couch a contradiction in its termes: and peradventure conceive themſelves able to ſhew contradiction in whatever they refuſe to believe. If this be their meaning, the maxime they goe upon is ſafe; but they muſt be very carefull not to ſubſume or apply it to particular inſtances without much conſideration: For, ordinarily, the authority is very great which by underſtanding men, is alledged for remote

mote and high truths; and ſo is dangerouſly neglected, without an exact peruſal and anatomy of the truths maintained by it.

There are others ſoe prodigall of our naturall endowments, that they will teach us a kinde of contempt of reaſon and underſtanding. In a word, their poſition is, That, though you be certaine the propoſition made (for ought you know) is falſe, nevertheleſſe, you may and ought to think it true: which how to excuſe, from being an irrationall act and a pure folly, is beyond my skill; at the ſame time to be aſſured it is uncertaine, and to hold it for certaine is, to mee, an impoſſibility. Doe I not hold that which I am certaine of? that is, that this truth is uncertaine? How then can I hold it is certaine? Put this in the mouth of a witneſſe in any Court of Juſtice, and teach him

that,

that, though hee know certainly hee doth not perfectly remember whether hee ſaw the man killed, yet hee may ſweare hee ſaw it; what Juſtice will remain uncorrupted?

Paſſion and Precipitation may prevail with us, to judge that cleare and evident which is not ſo, and carry us to believe and affirm it; but that reaſon ſhould make us believe what it telleth us it ſeeth no ground for, or not ſufficient, is to me, an aſſertion the moſt unworthy, the moſt contrary to reaſon, and the moſt biaſſed by intereſt that can be imagined. If our nature be rationall, if all our actions ſhould be conformable to our nature, and governed by reaſon; there cannot bee a more pernicious propoſition, then to tell us we muſt aſſent, when there is no proportioned motive think wee ought to aſſent.

Thus much I thought fit to ſay concerning the errours of belief in ſpecu-

ſpeculation ; becauſe beliefe in practicall things, and which concernes our actions, depends of it, and includes it, and is, in part, regulated by the ſame rules. The believing of practical things begins to trench upon the ſubject of our main diſcourſe: for it is the firſt and moſt ſimple or uncompoſed degree of government and obedience, and ſo the very roots of both are dependent from and to be diſcovered out of it.

For, wee experience by our ordinary apprehenſions, that wee eſteeme a Phyſician, a Lawyer, a Schoolemaſter ought to bee obeyed, though wee doe not acknowledge in them the power of a Lord or Magiſtrate. And ſo wee ſay, the Scholler will never profit, becauſe he will not doe what his Maſter would have him: The client loſeth his cauſe, becauſe he would not obey his Counſell: The Patient recovers not, becauſe he follow-

loweth not the advice of his Phyſician. And though we doe not ſay the Doctour or Counſellour commands his Patient or Client, yet, if we look into it, he both rewardeth and puniſheth, which are the concomitants of commanding. For who obeyeth is rewarded with learning, health, and proſperity, and who diſobeyeth is puniſhed with Ignorance, ſickneſſe, and loſſes.

The Fourth Ground.

Of the vertue of obedience, and wherein it conſiſts.

OUt of this we may eaſily underſtand what nature intends by the vertue of obedience, and what are the limits and Lawes of it. For it is plaine, the immediate end is that our workes and all that con-

concernes us may be well done, even as to those things wherein our selves have no skill, or not enough, and the more remote end to bee atchieved by this is, that our life may bee good and happy, and the end of Nature arrived to by us. The conditions likewise are cleere: First, that the matter of our action bee such as our selves are not sufficiently skilfull in; the second, that our Commander bee a master in that art; the third, that hee bee a good and honourable person, in whom wee may rest confidently he will deale with us conformably to his skill, and not wilfully or for his own pleasure, or interest, doe any thing against our good and profit.

If the first bee wanting, wee also our selves are wanting to our selves; for Nature hath endowed us with reason to provide for our owne good by this power: againe, it is non-

non-ſence and folly to expect another man ſhould be more carefull of our good, then our ſelves: And ſuppoſe it were ſo, it were either our fault or his, and for ought to bee mended on one ſide; our fault if wee bee not ſo ſollicitous as wee ought to bee, that is, as much as the weight of the affaire requires; His if he be more ſollicitous of our good then the ſame demandeth, and ſoe hee who profeſſeth ſuch a care may bee feared to bee a buſie fellow, and one who aimes at his owne profit under colour of love, unleſſe it bee in an evident neglect of ours, which cannot well be imagined of one who is ready to obey another.

If the ſecond condition bee wanting, there can be no vertue in obedience, ſince it will nothing mend but rather impaire our life, and to the import of that action, deſtroy our pretence to happineſſe, to ſub-

ſubmit our ſelves to one who hath no more skill then wee, nor can bee rationally ſuppoſed to bear us more love and care, or that hee will or ought to imploy himſelfe in our particular buſineſſe more attentively then we our ſelves.

As for the laſt condition, without it obedience is a plaine precipitation of our ſelves into miſguidance and abſolute ruine, and therefore a pernicious & wicked practice.

By this diſcourſe wee may underſtand, it is a fallacious principle, though maintained by many, that obedience is one of the moſt eminent vertues, and that it is the greateſt ſacrifice we can offer to God, to renounce our owne wills, becauſe our will is the chiefeſt good wee have. For, not denying that obedience is a great vertue; it being, truly in it ſelfe, the affection to moderate the pride of our underſtanding

ing, which is subject to make us think too well of our owne opinions without having evidence of the truth of them, and so hinder us from candidly seeing and acknowledging the truth (an inclination of all others most deeply rooted in our nature, and both most hard to bee conquered, and most pernicious to be followed) and therefore, the vertue which tempers and moderates this passion must needs be very excellent: yet I cannot give it so high a rank, as to preferre it before all.

For, I see it is only a vertue in case of imperfection, as Penance and some others are; it being grounded on this, that a man is ignorant in those matters wherein hee ought to bee obedient. But, the reason displeases mee more then the conclusion: For what signifieth this, that it is the greatest good we have and can renounce for Gods sake? If

it

it bee a great good, it is no vice, no exceſſe, but a naturall power or exerciſe of a power given us by Almighty God; and then would I know, why to renounce ſuch a thing is pleaſing to him. Can we think it were pleaſing to God for any one to binde up his armes or legges, or cut off his hands, pretending to doe it for his ſake? Hee that made them gave them us to uſe; and there by commanded us to uſe them according to the manner intended by nature; and, if wee doe not ſo, wee offend him.

There is a ſtory of *Origen*, that he exſected his virility, thinking to Pleaſe God; but the ſame ſtory ſaith, hee was reproved by the whole Church, and excommunicated for the fact: *Simeon Styletes* is reported to have chained himſelf upon a hill, that he might not goe thence; but he was taught that ſuch impoten-

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cy was fit for beasts, not men. So that, to renounce any natural faculty or the legitimate and fitting use of it, under pretence of pleasing God, is a folly, not a vertue.

But, let us see what power it is that wee must renounce; *our Will*: and this word doth not, in this place, signifie any interessed affection or malicious resolution; but that will which followeth and is guided by our understanding, and that truth which God hath made us capable of: Therefore the renouncing of this will, is, withall, the renouncing of our understanding; that is, of our wits and manhood; so that it is in effect to renounce our rationality, and that by which we are the image of God. If any man should take a fancy to goe upon all foure like a beast, or subject himself to bee led in a string like a Beare about the Countrey; would not all wise men cry out on

him for beſtiality, and thinke him unworthy the converſation of men? How much greater is the indignity of him who permitteth himſelfe to bee carried in his whole courſe of life, and thoſe actions that moſt concerne him without uſing that wit or underſtanding which hee hath, and by the ſole direction of another?

Hee can bee accounted ſo farre no better then a clock or watch, which tells the houre by the wit and induſtry of the maker, not by any ſence or worth of its owne. If therefore, to renounce our wills for Gods ſake bee to bee accounted a ſacrifice; as farre as my underſtanding reacheth, it is no other then that the Scripture expreſſeth upon another occaſion, to wit, one by which the ſons are ſacrificed to the father, the image of God defaced to the glory of him whoſe image he is.

The

The Fifth GROUND.

That Fidelity is different from Obedience; and in what it consisteth.

BUt leaving this mistake of simple devotion; of which wee needed not have spoken so much, had there not depended on it some matter of greater consequence (as the following discourse will manifest in its due place:) wee are to take notice of an equivocation which may draw on some errour if not prevented. Wee use to say servingmen and waiting-maids ought to bee obedient to their Masters and Mistresses, whereas indeed, the vertue by which they serve is not that of obedience, but of fidelity and truth, which is manifest to him that looks into the nature of hirelings.

For, none thinke a husbandman, who is hired to till or fence a piece of ground, obeyeth the hirer more then hee that selleth a piece of cloth or other merchandize obeyeth the buyer, because he taketh his moneys; but they are said to contract and performe their part of the bargaine faithfully and truly. So servants pay their duties, performe their bargains: and Fidelity is their proper vertue; to doe it carefully, and uprightly; not Obedience.

For, Obedience is in such actions as are the proper actions of the obeyer, which concerne his life, and by which hee may derive good if well done, and harme if amisse. Now in servants the good successe pertaineth to the Master, the servant hath his livelyhood and wages, whether the event goe right or wrong, so hee doe what his Master commandeth. And hence it

(The above definitions are fol-
very indistinct. Obdnce is
[illegible] be against the will

followeth, that neither ought hee be ignorant in the action hee doeth, nor ſollicitous whether his Maſter bee either skilfull or honeſt: For, ſince what is done concerneth not him but his Maſter, his duty is to ſeek to doe what hee is commanded in the beſt way he can, without intereſſing himſelf about the ſucceſſe. This I ſay, as farre as he is a ſervingman; but as hee is alſo an honeſt man, it may belong to him to ſuggeſt to his Maſter what hee thinks beſt; and, ſometimes, when it lieth happily in his way, to help ſuch errours of his Maſter as he can: without trenching on his Maſters credit; ſtill providing for his own indempnity: that hee bee not involved in his Maſters either imprudence or iniquity; for by his bargaine with his Maſter, he did not renounce the care of his own preſervation.

The reaſon of this equivocation

is becauſe wee ordinarily call *obeying* the doeing another mans will: and diſtinguiſh not how, ſometimes, this is done with renouncing our own wills, which is in thoſe actions wherein wee are Maſters, that is, in our owne actions; and, ſometimes, without ſuch renunciation, as in the actions which belong to others, in which wee have no will to renounce. Now Obedience as it is a vertue eſpecially attending on the renouncing of our wills, is properly confined to the former ſence, not to the other; with which it onely hath an alliance in the name, and which truly is Fidelity, as we have already declared.

But, although Fidelity bee a diſtinct vertue from Obedience, yet is it not ſuch a ſtranger as not to demand a place in this Treatiſe: eſpecially becauſe the kinde of Obedience wee deſire to look into, which

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is that by which Common-wealths and Communities ſubſiſt, is founded generally on Fidelity or the matter thereof which wee call promiſe, and in that vertue it bindes to obſervance. After which diſcourſe wee ſhall bee prepared to venture on the matter it ſelf of Governement, and to our power, declare the force of it amongſt men.

Man therefore being by his nature and definition a reaſonable, that is, an underſtanding Creature, or one whoſe primary and principall inclination is to truth or true knowledge; and the outward carriage and action of man being naturally proportionable to his inward ſubſtance; it is cleere his chief property, by which he behaves himſelf outwardly like a man, is to ſpeak truth, and to doe as hee ſayeth, when his words have action following them. Hence it is, that though *honeſty* (which in a

Courtlyer terme is called *Honour*, when applyed to a rationall carriage, and in a more ſpirituall language, *Conſcience*) bee extended to many other qualities, yet it is moſt frequently and principally expected in his keeping his word; in ſo much that though hee have other faults, either ſpirituall or carnall, yet if he be *true of his word*, he, often and in ordinary converſation, paſſeth for *an honeſt man.*

Againe, this vertue of *Truth* is the principall and firſt engine of humane converſation, and he that hath it not is unfit to be admitted to treate amongſt men, but is to be rejected and baniſhed from all Negotiation. Thus you ſee what engagement every one hath, both by nature and neceſſity of converſation, to ſtand upon his word or fidelity: For ſo we call the vertue by which we ſpeake our mind in reference to action, and

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are constant to performe what wee say.

Yet, since malice is growne to such a height, all nations, who pretend to the fear of any Deity, have used to make men confirme their faith and promise by the invocation of the Deity they worship; hoping Religion may worke in them what Nature is not strong enough to effect. This confirmation is performed in two sorts: One, when we onely call God to witnesse; as when we say, God, who sees my heart, knowes this to be truth, or that I meane as I speake: The other, when we pledge our trust in God for a security; as when wee wish God may punish us, or never doe us good, if we break our promise. And this is properly an execration, as the other an oath; yet both called oaths, and agree in this, that we pledge our beliefe and feare of

God, to another, for his ſecurity.

By which it is evident, that men generally eſteem Religion the thing which ſhould pierce deepeſt into a mans heart and affection; and the ſtrongeſt Bond and tye of Faith and honeſty; and that he, who ſetteth little by his Religion, hath neither honour nor honeſty in him; or at leaſt wanteth the greateſt and ſtrongeſt part of them, and that which ought to rivet in and fixe the naturall inclination which we have to truth and fidelity.

The Sixth GROUND.

In what conſiſts Right or Due.

THE next conſideration may appear too Metaphyſicall a ſubtlety for a Morall treatiſe: yet ſuch it is, that the ignorance of it

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is mother of many mistakes and quarrells. We ought therefore, to know that a man, considered in pure Nature, lookes on all other things, Men and Beasts, and insensible creatures, as his subjects to worke on; his onely rule being Reason, which takes nothing to bee good but what is good to himself; and makes the rule of his actions, to do what is fitting for him or conformable to his, that is, to a rationall nature. By this rule he treats another Man, otherwise then a horse or a dog, and them otherwise then a tree or stone: For Reason is a faculty to use every thing suitably to their natures; as, to take a knife to cut, a horse to ride on, a man to read or write or be his Counsellour. And this runs through all his actions.

But as, though a Taylor or Mariner governe himselfe by this rule, even

even when he playeth the Taylor or Pilot, yet none can doubt but the rules of Taylorſhip or Steerage are different from this ſeeking his owne good and applying all things to that end: So, neither can any juſtly doubt but the art of a Lawyer or Counſellour is different from this principle which belongeth to all men.

And to find out the difference, wee are to reflect, that he who maketh a promiſe to another, ſo it be a perfect one (which we adde to decline the queſtion of what promiſes oblige, what not) puts himſelfe and his Promiſſary into a rank of agency and patiency, on a new ſcore, to wit, that of fidelity and negotiating: So that now, not the nature of the two men, but their words, and what followeth out of them, ground their being active and paſſive. This power of activity is,

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in Latine, called *Jus* or *Juſtum*, in Engliſh, Right or Due.

The difference of theſe two Arts is, One conſiders onely what is noble, and manly, and Conſcience; the other, what is according to promiſe and conſent of parties. Whence we finde, by the vertue of a promiſe, a new order growne amongſt men following out of promiſes: Wherein three things are to be conſidered; The engagement of nature and honeſty; The confirmation by oath; and laſtly, This right and duty which ariſeth from the promiſe: For, whoever promiſeth, ſubmits himſelfe to his promiſſary, and becomes his Subject, as far as the contract reaches.

The firſt miſtake that ſprings from the ignorance of this difference is, the great noiſe we heare of the Law of Nature and the Law of Nations. For, we are made imagine

gine that Nature hath bound us to certaine Lawes, and not left us to the Liberty of Reason, where no pacts or agreements intervene: As, that men ought to give free Trade to leave the Seas open, to give immunities to Ambassadours, and the like: For these either depend on Custome and Consent, or are free for every man to dispose of, according to his owne profit, necessity, or convenience of his affaires.

It is true, there is an inclination in man, from reason, to do another any good I can without my owne prejudice, and to have a desire to keepe peace with all men: But if I do not, it followes not that I wrong him, even though I do him harme or seeke his ruine; But I wrong my selfe, nature binding me to make my carriage to every one rationall and becoming a man: For he is no otherwise to me then

a piece of cloath or wood, which I cut and ſhape after my owne will, fittingly for my uſe. And, on the contrary ſide, the party prejudiced or refuſed a Courteſy, gets no right over me to revenge himſelfe: But Nature and Reaſon teaches him, peradventure, that it is good and prudent for him to hurt me, to prevent a greater miſchiefe to himſelfe; and he doth right to himſelfe in harming me, becauſe he doth an action rationall and ſuitable to manhood.

The different conſequents of the two poſitions, will appeare in this: That, if there be, in nature, radicated ſuch an order of right and naturally juſt or due (as many hold) it is a thing that reaſon can never infringe nor can any thing juſtifie what God hath ſhewed us by example, and we ſee wiſe Politicians practiſe ſometimes, when, without crime

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or offence offered, they make themselves Masters of convenient places: But, if there bee no such right by Nature, then Reason is left Mistresse to judge whether it be conformable to the nobility of man to do such an action or no.

The Seventh GROUND.

Why men desire to live in Community; and of the necessity of Governement.

NOt to make the foundations or under-ground workes bigger then our building; It is time to enter upon our pretended subject of *Governement* and *Obedience*, and examine what it is maketh Governement necessary to Mankind. And, because the Governement we looke upon is that of a multitude; first it

it is fit to understand why men desire to live in flocks or multitudes. Neither can any who hath never so little skill in nature doubt, but, as pleasure masters and heads all our actions, so likewise doth it this of living in society.

The first community is of Man and Wife. Who seeth not the power of pleasure in their mutuall society? *Aristotle*, out of experience, teacheth us that we take pleasure in conversing with handsome persons. And if wee consider pleasure to be nothing but the knowledge or sence of our being well or receiving some good; and, that the immediate cause of pleasure is the impression which some naturall or apprehended good maketh of its owne presence; and that good signifieth connaturall or fitting for us; wee shall perceive that Handsomeneſſe in our owne kinde must of necessity cause plea-

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ſure in us; the impreſſion it makes by our eyes being of the features and colour due to the perfection of our Nature; a gracefulneſſe, not onely of geſture and voice, but even of wit and diſcourſe being regularly the ground of the outward beauty. So that (if Nature hath not miſcarried) all the parts and actions of a beautifull body are gracefull to nature, and breed pleaſure in others who injoy them by converſation and, as it were, communication.

This then is the firſt origine of meeting and living together; as, whoſoever lookes into experience will eaſily diſcover: For, he will finde moſt men burthenſome to themſelves when they are alone, and to ſeeke company to divert themſelves, ſo to elude the length of time. I remember to have heard a Country fellow complaine of the loſſe of a Dog which was ſtollen from

from him; and gave for his reason, that he was to travell a whole night alone, and the Dog would have beene an excellent companion to him. Bees also, wee know, love company. Horses not onely labour, but even eate better amongst their fellowes: and we often heare sickly stomachs thank those that visit them for the good meale they have made, as if the company helped downe their meat. Pleasure therefore and Love is the first combiner of men into Society.

The next is, that God and Nature have so managed mankind, that no one hath of himself, as much as he desireth; but regularly aboundeth in one kinde of goods and wants some other which his neighbour hath: Hence, they mutually affect Society; to bee accommodated with such necessaries, as they cannot have but by communication one with another.

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In the third place comes Feare: for hee that findeth himselfe stored with those things which hee and others love, is subject to feare those whom hee suspecteth able to bereave him of them; and so seeketh company of friends for protection. Nor doth any one feare to lose but what he affecteth to have; so that first love marcheth in the van, and feare followeth in the reare. Besides, it is against all generosity, and embases Nature it selfe, to set the Throne of Feare above that of Love; and agreeth neither with Philosophy nor Morality.

To make a step farther: Granting once men to be desirous to live together, and taking notice of the passions they are subject to, and how self-love corrupteth the judgement of almost all in their own case; it is evident they can never live in quiet and content, unlesse there bee some way con-

contrived of agreement, when paſſion ſtirreth contention. They muſt therefore, neceſſarily, give conſent, to end their controverſies by ſome means. And ſince reaſon is our nature; and every ones reaſon freer to ſee the truth in anothers caſe then in his owne; and a wiſe and good man fitter then a fool or knave, the moſt naturall way for a multitude to live in peace is to have ſome man or men, accounted wiſe and good, choſen, to whoſe arbitrement all the reſt ought to ſtand; the ſtronger part combining to force the weaker, in caſe of reſiſtance; that is, the diſintereſſed part, which is the multitude, to force the intereſſed, which generally are but particulars if compared to the body of the people.

Here you ſee the nature of Governement beg in to appeare. But, to make it perfect, wee muſt farther conſider

ſider, That many commodities are neceſſary to a multitude, which are to be furniſhed by common conſent: That likewiſe there are many forraigne enviers to a multitude which liveth handſomely and happily: And in concluſion, that to provide for goods and prevent evils in common, is a matter of ſo great weight and difficulty, that it takethup the whole life of one or more men; and by conſequence, theſe buſineſſes cannot be carried on by the whole body of the community, whoſe worke and aime is to enjoy themſelves to their proportion, in getting by their labour, thoſe accommodations of humane life, which they eſteem neceſſary or conducing to their happineſſe. It followeth therefore, they muſt entruſt ſome more or fewer to take care of the common concernements.

Such Truſtees are called Governours, and the commnnity is ſaid to obey

obey them; and according to the principles forelaid, you ſee the people are ſuppoſed ignorant of what ought to bee done for the publike, this being a buſineſſe requiring a mans whole time; which they neither can ſpare, nor doe deſire to employ in this way: You ſee they entruſt others in whoſe prudence and goodneſſe they confide; and themſelves execute what their Truſtees think fitting, either by practiſing when they are commanded, or giving a ſufficient force to their Governours to maſter ſuch reſtif parties as will not obey: In concluſion, you ſee Governement is, naturally, a power or right of directing the common affaires of a multitude, by a voluntary ſubmiſſion of the communities wills to the will of the Governours; whom they truſt, upon opinion that they are underſtanding and honeſt, and will adminiſter the

the Commonalty by the rules of wiſedome and goodneſſe, as is moſt convenient and advantageous for the people.

It ſeems to mee no moderate and diſcreet perſon can doubt but a Governement ſo ordered is both neceſſary and connaturall to a rationall multitude, and, in a word, ſuch as humane nature requires; and is the beſt, if not the onely, that ſutes to the diſpoſition of free men and prudent.

The eighth GROUND.

Of the Authority given to an abſolute Governour; and of underſorts of Governement.

BY this reſignation of the Peoples will, it is alſo evident, the Magiſtracy receives ſuch an activity and

and power as, wee have explicated before, did arise out of a mans promise to his neighbour: and by consequence, that the people as farre as they have renounced their owne will, so farre they have no power left in them to contradict or resist the orders of the Magistracy.

I say, as farre as the People have submitted their wills: for since this power is in the Magistrate in vertue of their wills, it cannot extend farther then the peoples promise: So that if the people binde their Magistrates to certaine Lawes and Limits; hee hath no right to transgresse such Lawes, or extend himselfe beyond the prefixed limits, by his installment, and the original power given him: but above all, he cannot dispose of one chip or dispense inone the least law; farther then he apprehends it as fit and necessary to the good of the Common-wealth: and, if hee

doth, hee exceedeth his Patent and power. True it is, there is a great discretion to bee used in such limits, and the prudent Governour will see that the good of the Community requireth many of those dispensations, which careless Governours use out of an overweening of their owne height and power.

Having thus declared the nature and conditions of naturall Governement; it is not amisse to see whether there bee any other Governement; and wherein distinguished from this. And casting our eyes round about us wee quickly perceive certaine communities which pretend to a defective Governement: as Companies of Merchants or Trades-men; Universities and Colledges of Schollers; and Cloysters of men and women, who pretend to employ themselves wholly to perfect their soules towards eternall beatitude. All these have

have a participation of Governement; but have not the universall administration of humane goods and evills: For, power of life and death, generally, they have none; and are subject, for the most part, to appeals from their judgements, in matters of great consequence: neither have they any power of peace and warre: And if sometimes any of these royalties belong to them; it is not as they are heads of such Communities, but as they participate of Soveraignty by priviledge, or accident.

These therefore are distinguished from the Governement wee pretend to declare; as being slight imitations of it, and certaine likenesses, not the power it self; or as some Art or Trade is different from Morall Philosophy, which is Mistresse of the will, and all her actions; the others being but Ushers to the parti-

cular, as it were formes or rankes in which petty things are taught. In fine, these others are to our Governement, as particulars to the universall. The Governement therefore which wee explicate is that which hath power, either of all things belonging to the people it governeth; or at leaſt, of all comprehenſible by Nature and falling under Sence and Experience. The firſt of theſe wee ſee in the *Pope* and ſuch *Biſhops* as are withall *Secular Princes*; the ſecond, in other Chriſtian Governements either of Princes or Common-wealths, where the Spiritual juriſdiction is acknowledged to be higher and greater, though not commander of the Temporall.

But wee ſeeke farther, whether there bee any ſupreme Governement different from this wee explicate, or no: And the occaſion is from what wee ſee in certaine inſtances, that

that there is a kinde of command or rather ſubjection, which wee call Slavery, exerciſed, not onely amongſt Heathens, but even Chriſtians, who have more conformity to nature.

The Ninth Ground.

Of Slavery and the lawfulneſſe of it.

And firſt, wee muſt looke into the notion of Slavery; which ſignifies a ſubjection to command in all things; and that meerely for the Maſters profit. This *all things* may either reach to the hindring him from thoſe actions which are neceſſary to obtaine Beatitude; or onely to corporall ſervices, with that moderation, that the Maſter hinders him not from ſuch exerciſes

as concerne the procurement of future happineſſe.

And clearly, it is againſt nature for any to ſubmit his will ſo farre as to renounce eternall bliſſe. There cannot, then, bee any Obedience due to ſuch an extremity; and, by conſequence, there cannot be any power of commanding ſuch enormities in the compaſſe of nature. The like I conceive of a ſubjection to be killed or maimed cauſleſſely and without deſert, or even tormented; nay, or ſo penuriouſly abuſed as to have no content in life; but perpetually to ſuffer ſickneſſe, hunger, cold, or any other notably afflictive condition, ſo that his life is rather a puniſhment then a content to him. For ſince life is our beeing, and ſince beeing is the thing moſt deeply recommended to us by nature; it is evidently againſt the inclination of nature, to conſent to the loſſe either of life

life or of the profit of life, which is, either to be well in this world or in the next: therefore it cannot be conformable to nature to renounce either; especially, the Quiet in this world being the meanes to gaine blisse in the other.

Neither doth it scare me to cast my eyes upon so many holy men and women, as have put themselves, voluntarily, upon penurious and painfull lives. For, I can easily answer, that they had not displeasing lives; enjoying the fruit of contemplation, and the sweetnesse of Conscience in expecting a great reward for what they did: So that, they onely refused the pleasures of this world, to gaine those of the next; which is very rationall. But, for a man to renounce the content of this world, who either thinke not of another, or, at least, hopeth nothing out of his renunciation: this must

of neceſſity be extremely irrationall and againſt Nature; whoſe univerſall aimes are, to be well, either in the next or this preſent life. But if there be no ſuch ſubjection naturall, there can as little be any power of command gotten either by promiſe and ſubmiſſion of the ſubject, or violence of the Commander; who may perforce do what he liſt, but can never make it conformable to nature, to uſe an other with ſuch inhumane ſeverity.

There followes yet another kinde of Slavery; which conſiſteth in being bound to do what his Maſter commandeth, while his Maſter affordeth him a convenient livelyhood; and being ſubject to due puniſhment, without farther appeal, when he deſerveth it. And this hath no apparent oppoſition to Nature; why, in circumſtances, a man may not binde himſelfe to it, and be obliged

liged to maintaine and make good his word to his dying day. And, of such a kind of Slavery, we may question, Whether nature alloweth a whole people to be involved in it, or it be a thing that onely can happen accidentally in nature.

And *Aristotle* is the first man whom wee are engaged to offend in this matter; who sayes or seemes to say, That some Nations are naturally Masters and Commanders, others, Slaves and Subjects: To which conceit *Virgil* seemes also to incline;

Tu regere imperio populos Romane memento &c.
Hæ tibi erunt artes———

As if it were proper to that Countrey to command. Neither doe I thinke *Aristotle's* meaning was any more, then that there was a greater fitnesse

in ſome Nations to command, then in others: for, himſelfe teacheth, the Barbarous priſoners, whoſe education had been noble, ſhould not be put to ſervile offices. So that, it was but a little ſelfe-pleaſing in theſe two great Authours, and affection towards their Countries, which made them fall into this extremity, of thinking it fit that other nations ſhould ſubmit to theirs: Whereas, had they lived in our dayes, long experience would have taught them that, in every nation, there are men fit to Governe, if Education and Diſcipline be not wanting; And againe, any nation may prove a Slave, even through too much wit, if they have not goodneſſe to temper it. But we muſt not be angry, even with great ones, if they flatter a little their Countrey: but take warning it be not our owne caſe, either for our Countrey, or, which is more abſurd, for our ſelves. Lea-

Leaving then this queſtion, Whether any nation be, by nature, borne and deſigned to ſlavery? let us ſee whether, within the Latitude of Nature, it conſiſts that any nation can enſlave it ſelfe in the ſence propounded. I do not here intend to engage in that queſtion; Whether one nation may oppreſſe another, and, by force of Garriſons and Armies, keepe them quiet in a Legitimate courſe of Governe nent and Subjection? a queſtion much different from ours, which is onely, Whether a whole Nation may voluntarily ſubmit it ſelfe to a Government, by which it ſhall have nothing of its owne, nor be able to deſerve or get any thing; but bee entirely at the diſpoſition of the Magiſtrate it chuſeth, without right or property?

That we may not walk too much in the dark, the holy Scripture holdeth

holdeth us out a Lanthorne, in the example of *Joseph*; who bought up the whole nation of *Ægypt* for *Pharaoh* their King, so that he rendred him not onely the Governour as before, but also absolute Lord and Master, and them his slaves; and this by their consent. Nevertheless, I am not able to understand reason in it. To put therefore the case clearly, the meaning is; Whether a whole nation can ty it selfe so by any promise to one Magistrate, as afterward to be bound, they and their Children, in force of their words, not to have or dispose of their Labours and goods of fortune but at the pleasure of the Magistrate; and that he hath power, arbitrarily and without any farther reason then his owne will, to give what one man possesseth to another, and make any one worke and obey another, meerly because such is his pleasure.

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That which induceth me to declare for the Negative is the Nature of man; whose first and maine operation, is judgement and choice; and the matter of this is his outward action: So that, who universally renounceth his judgement in externe action, truely renounceth nature it selfe, in renouncing the end and action for which it was made. Now, that a single man may be forced to this, I make no difficulty: For, if force can take away a single mans life, much more may it take away his outward action. But, when I speake of a Nation, me thinks I speake of Nature it selfe: For, I understand a Nation to signifie a thing in nothing different from humane Nature, except in greatnesse; as a bit of bread from a loafe or a paile of water from the pond out of which it was taken; and so, Reason cannot teach us to do that to

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a nation, which ought not bee done to all humane kinde. Now, who abhorres not to thinke that the uſe of judgement and will ſhould bee baniſhed out of Mankinde? Were not that quite to unman us and bebeaſt our whole nature? On the other ſide, it being the property of reaſon to uſe every thing it knoweth, according as it is fitting to the reſpective nature of the thing; and nothing being more fitting for man in common and every one in particular, then to judge and governe in his little ſpheare of activity; reaſon can never demand or approve of the contrary to be practiſed univerſally; as is implyed in this Poſition, that it may be done to a whole nation.

I looke not into the inconvenience of ſuch proceeding: How baſe and unworthy it renders the ſubjects; how unfit for the ſervice of the

the Magiſtrate; how ready to accept of any occaſion to better themſelves; and the like; which are ſufficient to dehort any wiſe Governour from attempting or deſiring it: Becauſe my Theame is onely upon the contracting an obligation of obedience, out of the force of their promiſe; and extends no further. And, I ſuppoſe, the ſhewing that ſuch a promiſe invalidateth the principle upon which a promiſe grounds its conſtancy, is enough, to ſhew that no promiſe ſo made can be conſtant and firme; ſince a man ſtands to his word, becauſe he is a man and hath a principle of judgement or choice upon judgement, by which and according to which he is and ought to be governed: Now then, ſuch a promiſe being a renouncing and bereaving him of this his manlineſſe; it cannot aſſuredly bee maintained by manlineſſe which

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is the onely or chiefe ſtrength of a promiſe.

But, what muſt we reply to *Joſeph*? what to many thouſands of eminent Chriſtians, who ſeeme to profeſſe and obſerve, in vertue of a vow, this very kinde of ſubjection? As for *Joſeph*, he juſtifies himſelfe, in renouncing the Vaſſalage of his People for one fifth part of their lands and fruits. 1. And, not to make an eſtimate, how proportionable the fifth of a Kingdome is to the furniſhing of neceſſaries for governing; ſo much at leaſt is plain that, by his remiſſion of foure parts abſolutely, that is, for ever, he did not execute what he pretended by the bargaine; but, by the formality of acquiring all, he obtained what he aimed at. That the People ſhould willingly contribute the fifth part of their Labour and goods generally, and, in caſe of neceſſity, willingly

willingly obey their Governour.

As for the ſpeciall obedience vowed by ſome Chriſtians of exemplary life, it is profeſſedly only, concerning ſpirituall inſtruction or exerciſe, even then when it is applyed to the Knights champions of Chriſtendome: And this is expreſſed by the greateſt Divine the Schoole ever had, in his 22ª. *Q^u.* 104. *Art.* 5. *ad tertium.* So that, neither of theſe objections prejudice the concluſion we have ſetled; However the outward undiſcerned ſhew may make an appearance to the contrary.

Out of this concluſion it is eaſily ſeene, that the Turkiſh, Moſcoviticall, Tartarian and other whatſoever Governements, ſetled upon this principle, that the Goods and Lives of the Subjects are the Princes, not to defend (as our Lawes go) but to diſpoſe of at will, without con-

contradiction or limitation, more then of his pleasure; neither do nor can ever breed any obligation of Obedience in the Subject, farther then out of feare or present utility.

It is not amisse to adde this consideration, that those Tyrannicall Governours exact of their Subjects no lesse then to forgoe all that is deare in this world, at their pleasures, life and meanes, wife and children, and whatsoever hath made impression upon them: So that, truely, there is no protection or security from them; and if they rob you not, it is because they have no occasion, not because they conceive any unworthinesse in it. Whence, no good nor profit doth, regularly and according to the intention of the pact and agreement, result to the particular; but all is the high Masters, and the Subjects portion is onely to

share

ſhare thoſe ſcraps he ſhall caſt down to him, as to a Dog, to make him fit to hunt for his maſter.

The tenth GROUND.

Why a man is to hazard himſelfe for the common good.

IT is true, this debt in the ſubject, of hazarding life and limbs and all that is eſtimable in this world, is exacted, as well in juſt and legitimate Governements as in thoſe hideous Tyrannies; But, there is a recompence for it, and the good of the whole reflecteth on the part; and if one loſe his life, his children and relations at laſt feele the ſweetneſſe of it; and this makes men hazard with courage, and die with comfort. And cleerly, were there not this obligation, no Common-wealth could ſtand. What City could be defended, if the Citizens would not venture their lives upon

upon the walls? What Army could bee managed, if the Souldier would never be brought into the danger of death, or would fly as ſoon as the bullets began to play about his ears? all wrongs muſt be ſuffered at their hands who would expoſe their own lives to hurt others; and no juſtice maintained, or innocency defended. Nature therefore makes it moſt cleer that ſuch an obligation is unavoidable; and the daily neceſſity of it beateth it out ſo flat and plaine, that wee can no way eſcape ſo manifeſt an evidence.

But if it bee by the direction of nature, certainly it is alſo rationall, and hath ſome principles of its truth, and reaſonableneſſe. Now, in Morality the reaſon of all action is the good obtaineable by it; which if leſſe or not greater then what wee hazard and, peradventure, loſe in the attempt, it is no good nor can bee

bee a rationall motive of ſuch an action. We ought therefore to ſeeke out this great good.

Ariſtotle proceeds as cunningly in this buſineſſe as became ſo wiſe a Maſter; and, according to his faſhion, where his skill reached not to explicate the particulars, remained in common termes: telling us, that *Bonum commune divinius eſt quàm particulare*: But, in what this Divinity conſiſts, hee no where expreſſes. Truly, if there were a *Platonick Idea* of the particular's goods, which might bee termed the common good, I could underſtand that there were a Divinity in it; but himſelfe hath extinguiſhed that flaſh of *Plato's*, beyond reviving. I underſtand alſo, that the notion of *common*, compared to the notion of *individuall*, hath a kinde of excellency by its univerſality, which rendreth it very auguſt and luſtrous,

and

and of a higher degree then the particular. I know again the perpetuity a Common-wealth pretendeth to, compared to the mortality of a single person, vesteth it selfe with a kinde of infinity, which giveth it a glorious appearance. Nay, when I see the same man work for a Common-wealth, in a free way of doing it good; and againe, for a private friend: I see a vast distance between his pretended ends; and an eminent generosity in one over the other: Whence, I believe, it cometh that *Heroës* and heroicall vertues are chiefly taken in respect of doing good to whole Countreys or Cities.

But when, on the other side, I see the same great Master teach us, that Good is the same with Desireable; and every ones good, what is desireable to him; I finde it is an intricate labyrinth of equivocation wherein wee endlessely erre, while

wee

wee think that Good taken in common, should bee accounted Good, truly and properly. As, who would bee so wilde as to bend any strong labour here in *England* to profit the King of *Persia* or *Siam*, if hee expected no good to reflect on himselfe by it? Much lesse would any account it good to bee robbed or maimed, because it was good to another who possessed his money or was afraid of him: and yet if wee stick upon the common Notion of good, without determining to whom it is good, both these must bee esteemed not onely goods but great ones; for, so they are to some body, though nothing or harme to the esteemer. Then, to cry, *The Common good*, is a meere deceit and flattery of words; unlesse wee can shew that the common good is as great to us as wee make it sound.

Neither can the authority of learned

learned Nations and the many endevours of worthy men perſwade us the contrary. For theſe Nations generally were of Popular governements, where plainly the common good was the good of them who were to reward the cauſes of it: ſo that, it was no wonder the Common good ſhould be ſo highly exalted and cryed up; where it was the particular good, both to them to whom it was commended, as alſo the commenders themſelves were to arrive to their own private pretences through that notion of the common good. The like is of all Princes and Governours; who if they bee wiſe, conceive the common good in moſt circumſtances, to bee compared to them as their own proper good.

It remaines therefore, to ſee what may bee the ground on which an underſtanding man ought to value ſo highly the common good; and expoſe

poſe his life and all that is deare to him, upon the ſcore of the Publicke. Cleare it is, that hee who ventures his life, ventures all this world: For if hee dies, what reward remaines there in this world? *Fame* is a ſlender recompence, when the fruit of it (which chiefly conſiſts in being reſpected in company, and having a power amongſt his aſſociates) is once paſſed. The good of his wife and children; that may rejoyce a dying man; but if there reſt nothing after death, it is a comfort which ſoon expires; being indeed nothing but a flaſh. It is then paſt diſpute, that for him, who expects nothing in the next world, there can bee no rationall motive of voluntarily endangering his life for the common cauſe; if himſelfe bee not particularly intereſſed in it.

I know Philoſophers reply, that there is no harme in death, nor pain

after it, and wee are but as if wee never had been; ſo they diſpute to take away the feare of death. But firſt, I would ask them, why, even in ſuch a caſe, the fear of death ſhould be taken away? What ſignifieth this to a ſound Philoſopher, to take away the love of his *Summum Bonum*? of the end for which hee is to doe all his actions? Againe if hee muſt embrace death, upon what motive muſt he make his onſet? ſhall hee propoſe to himſelfe none? or a leſſe good then hee loſes? or entertaine frantick apprehenſions of glory after hee is nothing? Theſe are not anſwers for Philoſophers and conſiderate perſons; but for ſome harebrained fool-hardy flaſhes or doating Oratours, who, with a multitude of fine words, can plauſibly dreſſe up contradictions and nonſence.

This therefore remaines certain, that

that there is no good to bee expected here equivalent to the hazard of death; and consequently, none can bee rationally valiant, who sets not his hopes upon the next world: And as, before, wee made it apparent, that hee who was not constant to his Religion, could have no rooted Honour or Honesty in him; so, now it is likewise evident, hee cannot rationally bee either valiant himselfe or trusted by others in danger, farther then hee is a foole. Since then, on the contrary side, the nature of Common-wealths makes it beyond dispute that hazarding is necessary; it is both evident there is another life to bee expected, and that it imports good Governement to plant deeply in the breast of the subjects a rationall apprehension of it. The cause therefore, and solid reason why men ought to bee valiant, is the hope of reward hereafter for doeing good to

our neighbour here: and the Common-wealth beeing our neereſt and greateſt Neighbour, as including our Friends, Parents, Acquaintance, and all of Mankinde that our knowledge reacheth to; to performe ſervice to It is, certainly, the greateſt act of charity towards our Neighbour; that is the higheſt externe act which God hath granted to us, and, conſequently, to bee preferred before all others; and, as ſuch, to expect a profit and recompence in the next life.

I know, it may bee objected, that in beaſts alſo is to bee found a kinde of valour, even to the hazard of their lives for their Mates and little ones, and yet no reward of the next world can be pretended for them. But, wee are to reflect, that beaſts are not governed by any reaſon given them to governe themſelves by; but like Clocks and other Engines,

by

by the wit of their Makers: and therefore it ought not to bee expected they ſhould bee addreſſed to that which is their individuall greateſt good, as Man is by his Reaſon; but onely to what is fitteſt for their Creators intention; which being onely to continue them for the uſe of Man; and this paſſion of audacity which wee ſee in them, being fit for that, wee are not to ſeeke a further reaſon for them to hazard their lives, nor to draw any conſequence from them to Mankinde, whoſe propriety is to governe himſelfe by the knowledge of his owne good, and not to bee forced out of that for the good of any other, ſo the notion of good bee rightly taken.

By this wee, in part, underſtand wherein conſiſts the worth and excellency of a Magiſtrate and his Office: to wit, that all others ends being purely for the good of their private per-

sons or family; the Magistrates aime is at the universall good of the whole eternall body of the Commonwealth, the extent of the persons, the long and farre-sighted care, and the abstraction from his private good, manifestly exalt this function, beyond comparison, above that of private men and their intentions; and placeth it, as it were, in an orb of honour proper to its dignity.

The eleventh Ground.

The Quality and Rationall power of a supreme Governour.

THus is our supreme Magistrate or Governour mounted on his Throne of Justice and Soveraignty. Hee hath for his strength, that right the People have bestowed on him; devesting

devesting themselves, by this submission, from interposing in Common affaires. He hath besides, the strength of the People; both their Wealth and Swords being delivered up to him; so that, if he bee wise, he can make himselfe and his Lawes obeyed. But chiefely he hath his owne Prudence and Goodnesse, which is supposed to be the choicest that could bee found in that people; and the Credit of it to be his strength and support.

For, if we looke into it; As we see that, in the naturall generation of Governement, the people truely intend to be governed by one whom they esteeme the Wisest and Best amongst them: so afterward, when they apprehend their Magistrate no *Solomon*, yet they still conceive he is the best they can obtaine or prudently aime at; That is, if they should attempt to change, it

would bring greater inconveniences then their continuance under this weaker Magistrate. So that, as it were, the Essence and Forme of his power to governe, is Wisdome and Goodnesse; at least, such a degree of both as is supposed and apprehended the greatest possible, according to the circumstances wherein they are. His End wee finde to bee The common good: and to that is he wholly and adequately bound, by his owne Goodnesse, by the peoples Intention, by his owne Acceptance, by the nature of the Charge it selfe, and by the very forme of his life and Profession: In so much that, he faileth from his Duty, from the expectation of his Subjects, and his owne Goodnesse, if he doth the least action for his private interest, or otherwise then out of his esteeme that it is for the greatest good

of

of the Common-wealth.

And truely, if it bee duely considered, we may plainely see that his private interest is not distinguished from the publick. For, how can it be? First for Honour, 'tis plaine, the welfare of his Subjects is his highest honour; Their knowing they are well by him, and so their love to him, his strongest security; Their expressing still on all occasions content with his actions, and esteeme of his person, his greatest pleasure; and in fine, the more wealth they have, the greater Commander is he: so that really, this private interest (if he be indeed a good Governour) is the true felicity of his People. I doe not, by this, intend to cut off from Supreame Magistrates that promise and magnificence wee see usually in persons of that quality: But, whereas it may be practised either for pride and vanity, that

is, to procure an esteem of the private merit of the Magistrate, or else, to facilitate the governement by the awe and reverence it printeth in the Subject; I expect the supreame Magistrate to be so discreet, as to understand the former is meerly a shadow or faint and fading colour, the other a reall profit and necessary instrument, and so to be embraced for the good of the people.

Neither must wee leave our Magistrate here, but transplant our discourse into a new consideration. For, if he hath gotten a Commission, he hath not, by that, lost the quality of a rationall, wise, and good man; but joined to that a new obligation of being new fixt upon the Common good, as the effect and scope of the actions of his whole life: Insomuch that, to determine the quality of his action, we must make

make one complexe of the whole person; and aske, What a wise and noble minde, haveing such limitations upon him, by word or oath engaged in his installment, may or ought to do concerning the limitations?

And first, it is undoubted on both sides, that neither may he, without great cause, make a breach in those hedges his way is fenced with; nor, if he make some small and inconsiderable breaches, that hee violates therefore his oath. For, the nature of humane action is such, as not to consist in an indivisible; but, of it selfe, to have a morall Latitude: our understandings not being able to reach to such small and petty differences as nature maketh and our operations containe, as far as they depend from nature.

But, the Question cometh, When some great fault discovers it selfe in the

the limitations, and the end of Govenement is prejudiced by ſuch a defect; and nevertheleſſe it is no doubt but 'tis the intention of the people or the Truſtees of the people to binde their Magiſtrate to ſuch conditions; Whether, in ſuch a caſe, he be bound to his orders and oath, or whether the duty of a wiſe and good man doth enfranchiſe him to doe what is truely beſt for the people, though it be againſt their wills?

The queſtion ſeemeth hard: and therefore it is not amiſſe to note, that *truely beſt* ſignifieth that it be not onely beſt, if it had been fore-ordered or if it were in practiſe; but that it be beſt to be brought into practiſe; and that, notwithſtanding all dammages and dangers which are to be incurred in the ſetling of it; Otherwiſe, it is clear, he ought to ſtand to his oath. Another caution is,

is, that the Magistrate doe not onely *think* it so *best*, but know it by certainty and science; otherwise, hee proceedeth not wisely, to hazard a disturbance of the Common-wealth upon slight and weak appearances.

These two suppositions premised, wee are to consider what it is that engageth the Magistrate on both sides. And, for his promise, it is above declared, that hee is engaged to it by the connaturality and beauty of Truth in Mans nature: Now not Truth onely is conformable to mans nature, but also that Nobleness and Goodness that bindeth man to man; which in its highest pitch, that is, as it looketh upon a Common-wealth or a little Mankinde, is the beauty and vertue of a Governour.

Againe, I see a Governour hath in himselfe, as it were, two Truths, or degrees of truth belonging to his person: One, which is the publicke Ho-

Honesty, either considered betwixt him and his subject or some aliens; and this forfeited maketh his publick credit weak and unfit for the use of Governement: the other is but a splendour reflecting on his own person, by which hee appeareth in the face of honour and a man of his word. For this latter, it is very evident, the affection to the publicke ought to overlway it; because being but a private good it should doe homage to those vertues which carry a man to the common interest. For the former, the dammage enlueing is to bee esteemed and poised against the profit or necessity of the Common-wealth: For, if it bee evident, that the good of the change openly and vastly exceeds the dammage proceeding from the discredit; cleerly hee is bound to admit of the discredit, to purchase the advantage accrewing by the change: But, where there

there is none or little difference, there the ballance hangs upon quietneſſe ſide, and change is not to bee ventured on.

This ſeemeth ſo plainly and evidently concluded, that a rationall man cannot reſiſt it. But, to thoſe who are uſed to maintaine their credit by cuſtome more then by reaſon, it is a *bolus* of hard digeſtion, to tell them they muſt break their word for the common good: and ſeemeth to bee of the ſame nature, with that famous definition of an *Ambaſſadour*, witty in *England*, harſh in other Nations, that Hee is ſent *ad peregrè mentiendum pro patriâ*, which where the equivocation of *lying abroad* is not underſtood, is, in verity, a ſcandall to Stateſmen, whoſe negotiation hangs ſo tenderly on their credit, that, it once being broken, they have loſt a principall inſtrument to penetrate the

the hearts on which they are to work.

Therefore, let us see whether the high Magistrate (in proceeding as wee have declared) does truly force the rampart of veracity so necessary for a Government. Let us first begin with his promise, and consider what it is. Hee is entrusted to doe for the common good: and the reason why hee is entrusted is, because the entrusters conceive themselves either through their incapacity or attendance to other imployments, ignorant of what is truly the common good. They entrust him, therefore, with more then they understand; and so his power is to proceed, according to his understanding, though it crosse theirs: Hee then of necessity, must bee false to his Oath, if hee doe not, according to his trust, act for the common good what hee evidently sees in a high degree to import

port it. Further, because wee know, in morall businesses, the end aimed at, is more principall then the means ordered to it, and hath such a command over them that they are to bee or not to bee, according as is fitting for the end: And in the Oath or Promise of our high Magistrate, if hee observe his limitations, he destroyeth the end for which they were put: Hee offends against both his Oath and Fidelity to his people, if hee maintain such limitations, when hee is obliged, for the publick good, that is, when hee ought to break them.

Yes, but (replieth the man who thinketh himselfe wedded to an outward and seeming honesty in this cause) howsoever, at least hee breaketh that part of his Oath, in which hee swore directly, to those limitations. Let us therefore see even that point, and ask, what was the peoples will in exacting

exacting his Oath or Promise? Doeth any one will what hee understandeth and knoweth not? If one should say to another, I give thee what is in that trunk; in which himselfe had put a suit of apparell, and, without his knowledge, his servant had taken that out and put in bags of gold to the same bulk; would any Divine, or Chancery Judge, or prudent person assert he were bound to bestow on that promissary all his gold, which was in the trunke? I thinke not; and the reason is, because it is the will and understanding which hath the power to give strength to a promise or contract; and here the will is wanting; for hee knew not what he said, nor intended to give any thing but a suit of clothes.

How many promises doe Divines and Lawyers pronounce null, though they were good and valid when

when they were made, by reaſon of the change of accidents following, which could not be foreſeene? If one promiſe his Daughter in marriage to his neighbour, and ſhee dyeth; is he bound to fulfill his engagement, or ſeeke his neighbour another wife? Nay, if the neighbour be diſcovered not to be the man he was taken for; not to have a competent eſtate and ſuch like conditions; he may juſtifie the diſperformance of his promiſe; nor ſhall he forfeit his credit if he doeth not keepe his word, but rather, if he do, be accounted a weak man.

Now, to come to our purpoſe, let it bee ſuppoſed the people were made underſtand, when they exact the promiſe from their Magiſtrate, that ſuch limitations would deſtroy their peace, and contentment: doth any one think they would binde their Governour to maintaine them?

If

If they would not, tis evident, howsoever their mouthes pronounced the words, their hearts were ignorant and inculpable of such an exaction; for they knew not what they did, they understood not nor meant what they spake.

But suppose that truely they knew the incommodities that were to follow, and yet they would have them observed: For, this happeneth often in this our subject, that some (especially great men, and sometimes the populace) understand the inconvenience of a Law, and yet for private interest will have it maintained: What then is the duty of the supreame Magistrate, who is sworne to maintaine the said Lawes? The question is clearely answered by the condemnation of *Jephthe*; who, when he had rashly vowed to sacrifice the first thing that met him from home, did impiously murther his

his daughter. All underſtanding men know, a wicked oath is not to be obſerved. He that ſhould give a mad mana ſword, becauſe he had vowed or ſworne it, deſerved to be hanged for the murthers by him committed: Now, an ignorant and wilfull man, what is he but a mad man? Or what is madneſſe but a wilfulneſſe in doing evill? If the action be naught and ſuch as the exactor cannot, with reaſon, deſire, he cannot by any oath bind a ſwearer to it: Now to obſerve conditions which ſhall ruine the Governement and deſtroy the end for which they were inſtituted, is an action contrary to all reaſon, and to which the promiſſary cannot binde the promiſer, in any wiſdome and goodneſſe: He is therefore bound, rather to the deſtroying then fulfilling ſuch conditions; neither is he therefore perjured, but were rather

ther unjuſt and wicked, if he obſerved them. This ſo reſolved, it appeareth plainly, that no ſupreame Magiſtrate can bee bound to any Lawes contrary to good Governement; farther then either the danger of changing them, or the not cleerly ſeeing them to be ſuch, may hold his hand.

The Twelfth Ground.

Who is ſuch a Governour, and the Subjects duty towards him.

WEE have long talked of a Supreame Governour; it is time we ſhould point him out, that he may bee knowne. And, ſince all agree that there are three ſorts of Governement, Monarchy, Ariſtocracy, and Democracy; when they

they are ſimple, there can bee no doubt who is the ſupreame magiſtrate. Now, mingled they may bee, all together, or ſome two of them: And againe, their mixing may bee either continually, as when all parts mixed are ſo often engaged that their Authorities run jointly, or elſe ſome are continuall, others but at certaine termes.

If Monarchy bee mixed, either with Ariſtocracy or Democracy, ſo that they be continually joint actors; the Monarch is but a Servant, and the other part the Maſter: as is to be ſeen in the *Italian Doges*, and the *Lacedæmonian* Kings; for his force is nothing, compared to his conſort.

If Democracy and Ariſtocracy be ſo mixed, the quarrell is more ballanced; and becauſe it is a Governement divided in it ſelfe, and therefore dangerous; no doubt but,

if

if the Ariſtocracy get power enough, ſhe is in the poſture of ſupreame Authority. The example of this wee have in the *Roman Common-wealth*, in the time, ſpecially, of *Sylla's* conqueſt; when, if he had ſetled the State in the Senate, there had been no feare of *Caſar* and *Pompeyes* mangling that *Common-wealth*, as afterwards fell out.

Monarchy and Democracy can hardly be ſo mixed, that Democracy be perpetuall, and Monarchy by ſpurts: For that is not Monarchy; the ſaid Monarch being not long enough in power to be accounted a ſetled Magiſtrate; as wee ſee in the *Decemvirs*, *Tribunes* and *Dictators* amongſt the Romans: So that, the Monarch hath not the power in his hand to change any thing, which is the caſe we aime at. And the like is of Ariſtocracy; when its employment is the ordinary and continuall

tinuall, and Monarchy onely by turnes and seasons.

There remaineth onely Monarchy in continuance, compared to Aristocracy and Democracy at certaine turnes. And in *both*, it is cleare, the Monarch is the supreame Governour in ordinary; and so the Magistrate of whom we speake, who may alter the inconveniences, if occasion serve. As for the People, they are but a weake part, if the Governour be wise: So that he is, by this posture, in the state of doing that good to the Commonwealth which his judgement and conscience dictate to him to be necessary. The comparison to Aristocracy is much harder; every one of the Aristocracy being, generally and regularly speaking, a petty Monarch; and the whole of them easily assembled; and, when so, having the power in their hands: So that the

Monarch is not (by vertue of his ordinary condition) in a posture to bee able to rectifie what he seeth necessary to be altered; therefore he is not the man wee call the supreame Magistrate, but the assembly of the Nobility, whereof he is but an eminent and considerable one.

The Subject, being correlative to the Magistrate, requireth upon that title, to be reflected on; but much more because the nature of the Magistrate cannot be well understood, unlesse the duty of the Subject bee joyntly declared. We must therefore declare, or seeke out at least, what Honour and Conscience obligeth the Subject to: and, to performe this, wee must reflect upon his motive of Obedience; which, as is before insinuated, was grounded on the love and necessity of living in Community, that, from it, he may receive good, and, by its

its protection, ſecure himſelfe againſt evill. To this end he entruſteth the charge of the common adminiſtration to the Magiſtrate; taking himſelfe as one unskilfull or unable for ſuch employment. Wee ſee therefore, the end of the Subject in his obedience, immediately, is the publick good or the good of the Commonwealth: a farther though more cordiall and deep in the ſubject, is the good he is to receive out of the Commonwealth being well; which is nothing elſe but that the particulars of the Commonwealth be ſo. Evident then it is, that the immediate motive which the Subject is to propoſe before his eyes, in his obedience, is the good of the Commonwealth; that is, the very ſame motive the Magiſtrate ought to have in adminiſtring, and which hee had when firſt, in his owne perſon or in his forefathers, he ſubmitted

himſelfe to this rule.

Wee know, by conſequence, how excellent a virtue this act of Obedience is; having a motive of ſo great a price and high elevation above other ordinary employments, which reach no farther then to his private good. But, herein the ſame vertue is leſſe in the Subject then in the Commander; that, becauſe the common good is the very private good of the Commander, therefore it is not related to any private good of the ſame nature; and ſo not commanded or limited by any other, as in the ſubject it is by the end of his idioticall good.

The next thing that occurreth is the Subjects fact by making this truſt; and that is, that he hath made away all power of judgeing and caring for the common good, farther then by the eyes and hands of the Magiſtrate, his Truſtee, otherwiſe

wiſe they have not made him Supreame Governour: So that, if he thinketh or judgeth any thing to goe amiſſe, or interpoſe his opinion, in any reall and effective way, even ſo farre as to diſguſt himſelfe or any other againſt the Governement; he breaketh his promiſe and engagement to his Governour: Much leſſe is it in his power to recall the truſt and ſeeke any way to take it out of the hands of his Soveraigne. As for his oath of Allegiance, I believe every man ſees, it takes its ſtrength from theſe two; and, by conſequence, is to be underſtood to reach whither they carry it, and ſtrengthen the obligation that they ground: but, not to extend it ſelfe to what they doe not; onely what they begin and, as it were, make, the oath doth, by Religion and reverence to God, enholy and conſecrate, and ſo give it the greateſt ſtrength that

falleth upon humane Liberty.

By this discourse, we learn, that the Magistrates security, from honesty and conscience, is the greatest that humane nature can frame; being grounded upon the noblest vertue, fortified by the vertue of veracity so naturall and principall as is above signified; the subject having made as great an alienation of his propriety to Governement as will can ratifie; and lastly, elevated it above his owne soule by the invocation of him who is master both of soule and body, of time and eternity. Whence, nothing but the frailty of humane condition can prejudice a Governour once estated legitimately in his seat of Justice; nothing can make a Subject more delinquent, then to work against this duty of obedience; no wonder, therefore, if Rebellion be connumerated with Soothsaying and Idolatry.

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and Obedience preferred before sacrifice, even in the sight of God.

The thirteenth GROUND.

Of the Qualities of Lawes and Commands, in respect to Obedience.

OUt of what hath been said concerning the Subject's Obligation to Obedience, wee may understand a distinction made by many, of the validity and lawfulnesse of commands. For, the lawfulnesse to a Soveraigne Commander, is no other then that hee truly thinketh it to bee for the good of the common; that is, for the greatest good, all things considered: which if hee doth, it is, by the former discourse, lawfull for him to command, what he pleases, without

reproach of conſcience or honour to him; and on the other ſide, if hee ſwerve never ſo little, hee ſo farre breaketh his truſt: and the greater the abuſe is, the greater alſo his fault and ſhame. But, the ſubject is to remember that hee hath put his confidence in his Governour; as beeing himſelfe ignorant and not having leaſure to look into the depth of the policy: and therefore hee is to think and judge well of his Magiſtrates counſells, and make account hee doeth not underſtand the bottome of them; and ſo bee prompt and forward to obey.

The validity of the command conſiſts in the obligation the ſubject hath to performe it: And this may faile in two degrees; One to the not fulfilling the command, by avoiding it; the other, by reſiſting it. This latter is no waies in the Subjects hands, unleſs it be in ſuch a caſe as his

his oath of Allegiance and Obligation to the good of the Community, ceaſe or bind not: The former can never happen as long as it can be preſumed to be the Commanders will this Subject, in theſe circumſtances, ſhould perform this command; For, ſo long, his truſt obligeth him not to faile. But, becauſe a Governour many times is not rightly informed, nor can a Law reach home to all particular accidents; it is very incident that; in ſome ſpeciall caſes, the Subject may preſume it is not the Magiſtrates will he ſhould be bound to this particular ſervice. And this is ſo ordinary that, among us, there is a particular and higheſt Court, to declare when wee are not bound to the written lawes.

Yet is it neceſſary to believe, that even that Court is able to ſatisfie all caſes, or that private men are bound not to avoid a law without having

recourse to that Court, or to obey all decrees of that Court if they can prudently avoid it: because no Court (especially amongst refined pleaders) can bee without many formalities; which are not the substance of Justice, and therefore may prudently bee declined, neither honour nor conscience obliging to such proceedings. But they must ever have for their rule, that the Lawmaker intended not to include them, in these circumstances, within the compasse of his Law.

Some make us a threefold division of Lawes; the first absolute or commanding; the second permissive; the third they call penall Lawes: The first they averre to bee obligatory, because directly intended by the Law-giver; and of this sort is verified what wee have newly discoursed.

The second (were it expressely

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the ſenſe of the Law to permit a thing) is alſo of the former kinde and onely diſtinguiſhed in the matter: For it would make the thing permitted truly lawfull. But this is not the Writers meaning: For they doe not conceive it was the Law-makers intention to allow of the practice; but onely not to puniſh it, or to ordaine ſomewhat in ſuppoſition of the caſe. As when uſury is limited to ſuch a rate, that greater is forbidden; but to ſuch a rate is ſo permitted, that he that hath borrowed is bound and compellable to pay ſo many in the hundred; but no man is bound to borrow; nor as they ſay, *allowed* to take Intereſt, though the Law conſtraine the borrower to pay. But, how the Law can force the one to give, and yet not allow the other to take, is to mee, a hard propoſition and like a riddle; and therefore, I believe,

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the law it ſelfe is to bee condemned or the practice to bee juſtified; and that truly there neither is nor can bee ſuch a kinde of Law, as ſhall compell a thing to bee done and not approve of the doeing.

The third ſort alſo ſeemeth to mee no leſſe contradictory: for though I confeſſe there are penall Lawes unqueſtionably, that is, ſuch as conſtitute puniſhments for offences; yet theſe Maſters meane not ſuch, but under the cloake of the name, teach diſobedience to certaine Lawes, perſwading us the Law-givers intention is indefinite, that either a man ſhould doe ſuch a thing, or ſuffer ſuch a puniſhment if hee bee diſcovered to have committed the fault: which is directly againſt all goodneſſe. For firſt wee are to conſider whether the thing commanded bee uſefull to the Common-wealth; if ſo, it cleerly argues it is the direct will

will of the Lawmaker. Againe, it is to be looked into, if it be universally neglected, what dammage accreweth to the Common; and this also will assure us, by the necessity of it, that it is intended for the common good, and therefore to be executed to the possibility of the Subject. Againe, how unworthy a thing is it of a Governour, who is supposed to be all equity and goodnesse, to ly at the catch with his Subjects, to entrap them for a thing he doth not aime to have done? Besides, the name of punishment supposeth a fault; so that, the law must be supposed to speake improperly; which, in its dogmaticall way of proceeding, is absurd.

Yet doe I not deny but Lawes may bee made indefinitely; as, to command every Townesman to march or pay so much monies, leaving

ving it to his Liberty to do which hee liſteth: But this is no penall Law, nor hath it any likelyhood of one; but is meerly a disjunctive Command. Neither likewiſe do I entrench upon ſuch orders in Communities, which being almoſt impoſſible to bee rigorouſly obſerved, have ſome other obligation annexed to the failing; to be performed by the conſcience of the Delinquent, whether diſcovered or no. For, this clearely remaineth voluntary, and is ordered to make the failing rare, and to acknowledge a defect and fault in the not obſerving; and ſo hath not that croſſing of the will, and that force which one feeleth when he is diſcovered and, by authority, chaſtiſed. So that, in concluſion, there is but one ſort of Law in all theſe; and that binding the Subject, in force of his promiſe and oath, to the proportion of his

his concurrence to the Common good, by his act of Obedience.

The Fourteenth Ground.

In what conditions the Subject may resist Governement.

NOw, to returne to the former part; it is evident, if it be rationall to resist the Governement, it will be lawfull also to break and remove it: For, these two actions are of the same nature; and, in truth, pure resistance and disobedience is the annulling it. For, Governement, consisting in the power of commanding, that is, of having no resistance; to resist is not to acknowledge it, but maintaine there is no such power, at least, in this case;

case; that is, to take it away in this case; that is, to set another Judge or knower when obedience is due and when not; that is, not to keepe the Subject in the nature of ignorance, in which is grounded his being a Subject. This being the nature of this disobedience or resisting, the Magistrate is bound with all his strength to crush and breake it; and, by consequence, it draweth along the concussion of the whole state, if the Subject bee able to make good his resistance. Out of this it is cleare, that a Subject may not use this resistance; but in case when it is fitting to attempt the dissolving of the Government.

It followes first, that it cannot be done, but when the occasion is greater then the value of the publick peace and good of the Commonwealth. No man therefore can justly attempt such a disobedience, to

save

ſave his owne life and goods, or the life and goods of his owne family, how great ſoever, if contained within the bounds of a private family, or but a part of the Common-wealth. Now, how farre this extendeth, I dare not ſubtilize; it being a kinde of morall conſideration and a prudentiall eſteeme to weigh it in particular; the comnion notion reaching no farther, then that it be not ſo notorious a part of the Common-wealth, that it bee a homogeneall part of it, ſuch as is fit to make a Common-wealth of it ſelfe, to determine whoſe nature, is not the intent of our preſent embarquement.

The next conſideration is, that neither an univerſall harme, if moderate and ſuch as may bee ſupported with leſſe dammage then followes out of the State, is a ſufficient cauſe of reſiſtance to the Soveraigne Magiſtrates

Magiſtrates command. As for example, an enormous Taxe (ſuch as was thought to be that which revolted *Guienne* from *Edward* the third of *England*, or the *Low Countries* from *Philip* the ſecond of *Spain*:) as both their wars may well teſtifie; in which the taking of any one Towne was of more conſequence then all ſuch a Taxe would have been. How farre this alſo reaches is not for mee to eſteeme; Who ſhould aske me, if the Governour exacted for one time all the Subject had, ſo there remained a ground to worke upon of new, and within a little time to live contentedly; I ſhould be troubled to confeſſe it were a ſufficient injury to take up armes againſt him, becauſe I cannot judge which were the greater miſchief to the Subject.

Thirdly, if the wrong be of that nature as to ruine the whole Common-wealth, yet not ſuddenly but after

after many yeers, if often repeated; I cannot allow it a ſufficient cauſe of open reſiſtance. The reaſon is cleere; for, on the one ſide there is no inconvenience ſo ſmall but (in proceſſe of time) may grow to bee the ruine of the Common-wealth, if it bee often repeated and ſo exceſſively multiplied; and on the other ſide, long time breeds ſo great changes or, at leaſt, is ſubject to them, that the pure nature of the offence is not able to juſtifie a rebellion and breach of unity in a Common-wealth, and ſo, not the reſiſtance to the Governour. How much the time in which the ruine would follow ſhould bee, to make it a ſufficient cauſe, who can judge? Onely this wee ſee, that what will not ruine in a ſet time, wil never doe it; and I have ſeen people live happily, where it was ſaid, they paid the value of their whole ſubſiſtence

ſtance to their Magiſtrate once in ſeven yeers. Nor doe I pretend, by theſe inſtances, to ſet any rule for enfranchiſing the ſubject; more then this, When *evidently* the tyranny of the Governour is greater then the miſchiefe hazarded. When ever this happeneth, bee the materiall conditions what they will, the ſubject is free: And if this bee not, whatſoever the circumſtances bee, the ſubject ought not to ſtirre. For, this and this onely is the finall cauſe meaſuring all attempts, *What is beſt for the People*; and knowne it is that, if it bee not evident to bee better to ſtirre, it is evidently better to remaine quiet: for, not-a-cauſe is ſufficient for not changing; but, for a change and ſuch a change, it ought to bee *a cleer and evident abbetterment.*

There is further to be looked into what part of the Common-wealth it ought

ought to bee that is ſufficient to juſtifie ſuch a quarrell. For, as there is no doubt, but the whole Common-wealth, that is, ſuch a portion of it as makes the Governours party inconſiderable, is ſufficient: ſo, there will bee leſſe doubt on the other extreme, if the number reſiſting bee a pure ſingle part, it is not ſufficient to proceed to this extremity. The queſtion then is, whether the party riſing ought to bee the *major* or equall or, at leaſt, inconſiderably leſſe then thoſe who ſide with the Magiſtrate. But here wee muſt obſerve the greatneſſe of the Common-wealth divided. For if ſuch parts bee of themſelves, fit to make Common-wealths, nothing conſidered but the quantity or the number; it cannot bee doubted but that will ſuffice: now what that quantity is, belongeth to another ſcience.

Beſides all theſe conſiderations, there

there remaineth another; that it can bee effected: For who is to attempt an action, ought as well to weigh the coſt of compaſſing, as the worth and recompence when it is compaſſed: ſo that, unleſſe the hazard of miſſing and the labour of obtaining, beeing both added into the ballance with the preſent quiet, bee all overſwayed; it cannot bee prudently done to engage for a change.

Some will tell mee, never did people expect with ſo much patience as I require: And your Gallants, who pretend to generoſity, will exclaime, it is better to dye in the field then ſuffer ſuch indignities: Nay, ſome will think or, at leaſt, vaunt it fitter to lye in priſon or rot in a dungeon, or ſeeke his fortune in *Barbary*, then to be under ſuch a ſlavery. My anſwer to theſe laſt Gallants is, that they ſhould firſt try

try what it is to rot in a Dungeon, or to wander amongſt Barbarians; before they engage themſelves and other ignorant perſons in ſuch adventures. To the ſecond, that I underſtand not thoſe ſpurgalls of honour, which diſquiet their fiery humours: I onely diſcourſe of what is fitting to make a ſweet and contented life, to them who thinke it conſiſts in enjoying naturall goods of Science and Vertue for our mindes, and the accommodation of our ſences for our bodies: Thoſe high and aereall goods of honour, and vapouring words I eſteeme as *Ajax* (when his eyes were open) at his death; *Vertue* (ſaid hee, meaning honour) *I followed thee as a thing, but I finde thou art but words.* To the formoſt, I anſwer, I doe not averre men either have been wiſe or will bee ſo wiſe; onely endevour to lay before them what it is to bee

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ſo; let them look to the exerciſe. Neither on the other ſide doe I juſtifie the Prince who putteth his ſubject to ſuch extremities, or think it prudence in him to doe it, or that he doeth not deſerve all the miſchiefe which may light upon him for it: I leave both to the force of nature, to their wit or folly, and to the force of reaſon or paſſion which governes in perſons and preſent circumſtances; keeping my ſelf in the common notions which belong to Science.

Still there remaines one difficulty, which may breed great variety in the reſolution; and it is, who is to bee Judge, Whether the neglect of the Magiſtrate bee ſo great, as to deſerve reſiſtance? For, if the Magiſtrate himſelfe bee endowed with that power, it is a folly to thinke that circumſtance will ever come; and, if it belong to the people, will

ſuch hot-ſpurres, as wee ſpake of, will make it come long before the ſeaſon bee ripe for it. But, the truth is, this queſtion ſeemeth in a manner ſuperfluous: For it ſuppoſes, there is a queſtion and ambiguity to bee decided; and by the conditions put, it is cleer there can bee no queſtion of the neceſſity of the reſiſtance; for they are ſuch as to put the queſtion beyond all ambiguity in the very conſcience of the Magiſtrate, the objects beating on the ſubject in every ones particular beyond denyall and diſpute. And beſides, as long as truly there is any diſputableneſſe, the truſt repoſed in the Magiſtrate makes him Judge; For, beeing entruſted as a man both knowing and good, and the people taking themſelves as ignorant in what they truſt him; cleerly hee remains ſole Judge, as long as there remains a caſe to be judged. And

therefore his either ignorance, or careleſſeneſſe, or Tyranny ought to bee ſo evident, that it bee beyond all queſtion; or elſe the ſubject muſt have patience for his owne good, which is his aime in putting himſelfe under governement.

The Fifteenth GROUND.

Wherein conſiſts the power and liberty of the Subject.

YEt may ſome think, on the other ſide, that the doctrine delivered contradicts it ſelfe. For, it beeing before determined, that the people hath alienated all right of judging or medling in governement; how can it ever happen that they ſhould have a right to interpoſe againe, or that ſuch circumſtances can poſſibly fall

fall out in which they may resist the Magistrate? And this objection is so much the stronger, by acknowledging so great a power in the Magistrate of breaking all Lawes and limitations of Government, by the force of reason placed in the circumstances of power and authority, as hath been declared: whence it seemes, since that authority in the Magistrate cannot consist with an opposite authority in the subject, to bridle and curb him; they can never have this power to resist.

And the truth is, the people acteth not what it doeth in such a case, by any authority acquired, but by the force of nature; that same force by which the Magistrate overswayes the Lawes, but in other circumstances. And first that the people hath no authority to oppose their superiour is manifest: For, authority is a thing instituted by consent and de-

pending on promiſe; but here is no need of conſent nor any thought of it; here is no publicke meetings or *Ligues*; and if there were, they would bee of no value againſt a former tradition of their wills to their Magiſtrate: It cannot bee therefore, that the people proceed by any ſuch contract.

Whence is it then that the people come to any ſuch power? The anſwer is, As, when they firſt inſtituted Government, they did it in the force of Nature; without having any other Power then the pure force of Rationality: ſo, if, by any circumſtance they be devolved into the ſame ſtate of Anarchy that their promiſe made bindes no more; then Rationality teacheth them and giveth them, by force of nature, to inſtitute another Governement. Now, the exceſſive diſorders, expreſſed in the forementioned conditions, make it evident

evident they are not in a Governement, that is, in a conſpiracy to the common good, which is the offence of Governement; but in an Anarchy, and therefore remitted, by the evill managing or inſufficiency of their Governour, to the force of nature to provide for themſelves, and not bound by any promiſe made to their Governour: the whole end and intention of their promiſe being, purely, to ſubmit to Governement, that is, conduce to the common good & ſafety; which having failed, there is no more obligation in their oath or promiſe, then if they had never made them. This is, therefore, the ground of the peoples oppoſition, and onely circumſtance to juſtifie their breaking their oath and promiſe: ſo that, in truth, the Magiſtrate, firſt, by his miſcarriages, abdicateth himſelf from being a Magiſtrate, and proveth a Brigand and robber in

stead of a Defender; and the people, in the way of naturall preservation of themselves, make resistance against him.

I should passe farther to the change of Governement, did not the loud and universall cry of all common people, especially of our Northerne Countries, diverting my pen, force me to attend their importunity. They say, this Doctrine deliver'd ruineth their Liberty; and people are but a knot of slaves and Galley-birds, if this be the course of Governement. They must be satisfied, or, at least, their courage allay'd, by reason, if it be possible. For this word *Liberty* prints it selfe in such a letter, that it leaves unstudied no man, as one speaketh. The *Pelagian* thinkes he hath lost his naturall liberty, if it may be commanded by Gods omnipotency. The worldly man accounts himselfe a slave,

ſlave, if rationall governement be conſerved: he muſt have licenſe to commit wickedneſſe and ruine Governement, or elſe he is in chaines. Let us then repeat the nature of Governement, and ſee wherein conſiſteth the Liberty of the Subject, that we may know when he hath it, and what belongeth to it.

The people (we ſaid) to fall to their owne buſineſſe, and the improving of nature, choole one or more to manage the common intereſts; holding them wiſe and capable, and themſelves unskilfull; and this with a great deale of reaſon: for nothing but experience, and much debating is able to beget a ſufficient art or knowledge, in ſuch ſubtle points and turnings. Beſides, they eſteemed a few fitter for reſolution, and eaſier to agree then their owne multitude; where ſo many private aimes are hard to be avoided, and if not pre-

judiciall to the common. Upon theſe grounds, it is plaine, out of the very nature of Governement, that they reſerve no power in themſelves to conſult of common buſineſſes. For, how abſurd is it that he who hath no skill ſhall give counſell, or ſway the reſolutions of thoſe whoſe art and profeſſion it is? Or, what wiſe man could undertake a Governement with truth and honour, if, in his greateſt difficulties, he muſt depend on the advice, or rather wilfulneſſe of an ignorant rabble?

Let us look now what is left for the obeying party; and we ſhall finde, it is to governe their private affaires, as farre forth as they fall not within the verge of the common good or harme. But, once put that the private mans buſineſs either hinders, or is neceſſary to help the common deſignes: and, as evident as it is that the common is to be pre-

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ferred before the particular; so evident it is, that even his proper busineſſe is not to be managed, so far, by his private underſtanding and liberty. If the Souldier, when he is commanded to ſtand *Perdue*, ſhould have his private conſiderations allow'd him, what could the Army doe? If the Citizen, being commanded to watch his turne upon the walls, might bring an excuſe that he had no body to look to his ſhop, the City would ſoone fall to the enemies prey. Private intereſt, then, muſt yeeld, when the publick is concerned, or elſe no Governement can be hoped for: and, he that will leave matters of great conſequence to the reſolution of the govern'd party, muſt make them the Governours.

Wherein then conſiſts the Liberty of every Subject? In not being controll'd in his private affaires. If there be not juſtice adminiſtred both

againſt Robbers and Riotous oppreſſors, the Citizen is not free: if he be moleſted in his domeſtick manage, otherwiſe. Men when the common demandeth his aſſiſtance, he is not free. But, for ſerving the common, it is the freeſt act he hath: It was his choice to elect it, it is his good to conſerve it, and will be his deſtruction to infringe it. As it is no liberty to have an immunity to hang or maime himſelfe, or his wife and children, or to commit any other unnaturall act; no more is it to be eſteem'd Liberty, to have the priviledge to ſubſtract himſelfe from the ſervice of the Common-wealth. They are therefore ſeditious ſpirits, who, uſing the name of Liberty, provoke the Subject againſt the Magiſtrate; and in themſelves, ordinarily, it is either ignorance or faction, which is the true Miſtreſſe of ſuch attempts. Nor can it be feared, that

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Governement, carried connaturally and as it ought to be, doth any way prejudice the Liberty of the Subject, what seisures soever it makes either upon goods or persons.

Yes, but Governours will exceed the moderation of the true Lawes of Governement. First, the Commonwealth hath a presumption of their goodnes to the contrary. Secondly, admit they doe, must we seek to remedy it by a greater wound which is, by taking away the life and soule of Governement? Againe, the oppression is either in common upon all, or in particular upon some few: If in common, it is almost impossible to be heavy upon every one; for, many little summes easily rise to a great one, and many hands make light worke: If the wrong be done to particulars, wee ought to consider that accidentall harmes cannot be prevented neither

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in nature nor in humane affaires; and ſo are objects of pity rather then of hope to be amended, and to be tolerated rather, in reſpect of the great good which is in the common peace, then expoſe all to ſuch confuſion as muſt be, and ever hath beene where the Governement is, in part, placed in unexperient hands.

This, therefore, is reſolved, that the plenitude of power in the Governour hinders not the liberty of the Subject: which is to bee contained within an inferiour ſphere, and the ſphere it ſelfe within the ſphere of Governement; and to be carried by it, as the private good by the common, when the neceſſity of the publick requires. Likewiſe, the propriety of right of the Subject is to bee taken, not againſt the Governour or common right, but againſt the encroaching of another party: as, whoever underſtands what common

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and particular ſignifie, eaſily underſtands that the common and particular are not two; as the part and the whole make not two, becauſe the part is included in the whole; but part and part make two, becauſe one hath no community with the other. Therefore, it ſtands not with reaſon, that any private perſon ſhould claim a right againſt the Common-wealth, or the Governour, which is all one; for, ſo he makes the Common-wealth a part diſtinguiſhed from himſelfe.

The Sixteenth Ground.

Of the diſpoſſeſſion of a ſupreme former Governour, and of his right.

THis rubb being taken away, our march is free to conſider the action of the change of Governement;

ment; by what it is effected that the former Governour remaineth no longer in his authority, and the new one beginneth to have the power. For, we ſpeake of a ſupreme Governour whoſe power is ſworne to; and ſo fortified, by an allegiance due from the people, and a right obtained by himſelfe. And, we may preſently reflect, that our former diſcourſe, Of the Peoples reſiſtance to a Soveraign Magiſtrate, reached not to the reſolution of this. For, there we ſuppoſed the Magiſtrate to have behav'd himſelf ſo unworthily, that he was truely no Governour but a Tyrant and Robber; and ſo had really depoſ'd himſelfe, and diſannull'd the Subjects oath and obligation by renouncing, in deeds and practice, the nature of a Governour. Now, our Queſtion ſuppoſeth the Governour not to have come to that extremity: but, either to have been good or innocent:

nocent: or that it is doubtfull whether his exceſſes deſerved expulſion: or, at leaſt, if they did deſerve it of themſelves, yet the circumſtances were not fitting for it; but the expulſion happened either by the invaſion of a ſtranger, or the ambition of a Subject, or ſome popular headleſſe tumult; for, theſe three wayes a Magiſtrate comes, forcibly and unjuſtly, to be outed of his power.

And firſt, if the Magiſtrate have truely deſerved to be diſpoſſeſſed; or it be rationally doubted that he hath deſerved it, and hee bee actually out of poſſeſſion: In the former caſe, it is certaine, the ſubject hath no obligation to hazard for his reſtitution, but rather to hinder it: For, ſince it is the common good that both the Magiſtrate and the Subject are to aime at; and clearly, out of what is expreſſed, it is the common harme, to admit againe of ſuch a Magiſtrate;

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every one, to his power, is bound to reſiſt him. If you ſay, he may or will repent and amend, that importeth not our Queſtion, or Whether he be to be reſtor'd? but, Whether he be to be choſen of new? For, ſince it was meerely his poſſeſſion and the intereſt of not changing or troubling the Common-wealth which oblig'd the Subject to maintaine him; it being ſuppoſed his owne deſert did condemne him, this change and trouble of the Common-wealth being now turned on the other ſide and another in poſſeſſion, clearly neither he hath any right left, nor the Subject any obligation to maintaine but rather oppoſe him. Now, if his deſert be doubtfull, then is it alſo doubtfull whether he hath right or no: and certaine, that the common good is not to be diſturbed for it; Nature teaching that wee need no reaſon to be quiet and remaine where

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we are, but that to make a change we must see a strong cause and motive.

The next case is, if he be innocent and wrongfully depos'd, nay, let us adde, One who had governed well and deserved much of the Common-wealth: yet he is totally dispossess'd; and so, that, it is plaine, in these circumstances, it were better for the common good to stay as they are, then to venture the restoring him, because of the publicke hazard. It is cleare, in this case, there is a comparison betweene the generall good of the Common-wealth, on the one side, and the particular of this man or family on the other. Let us, then, put the case on his part; and see, If he be generous, if he hath setled in his heart that every single man ought to preferre the common Interest before his particular safety, profit, or honour; if hee

hee bee fit for a Governour, that is, one that is to espouse the common good as his owne individuall; what he will, in honour and conscience, resolve: whether hee bee not obliged absolutely to renounce all right and claime to Government; and, if he does not, hee bee not worse then an Infidell: For, if he that hath no care of his Domesticks, be reputed so; with how much more reason, he that is ready to plunge a whole Nation in blood, for his owne Interest?

Let us cast the accompts on the other side; and see, that the Subjects aime ought to be the publicke peace, and quiet enjoyment of their lives and interests: It will appeare that, if hee bee bound to renounce his claime, they cannot be oblig'd to maintaine it: and besides, that they are wilfully blinde, if, where the whole concernements of themselves,

ſelves, their wives and children lie at the ſtake, they will venture all for an aereall fancy, without regard to the *end* of Governement, publicke peace; meerely for the *meanes*, this mans Governement, without whom the end may be obtain'd. It cannot, therefore, be rationall on either ſide, for a diſpoſſeſſ'd Governour to be reſtor'd with hazard: unleſſe it be certaine the ſucceeding Governement be a pure Tyranny, and ſo the diſpoſſeſſ'd perſon neceſſary for the quiet and peace of the Common-wealth; and therefore, that both ſides pretend the good of the Common-wealth, as well hee that is to be reſtor'd, as thoſe who ſeek to reſtore him.

But ſome cry, he had right; he hath not deſerv'd to loſe it; Juſtice muſt be done whatever follows on it; happy they that are unfortunate

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in ſo good a Cauſe, they ſhall not loſe their reward, however it fares with them now. Well for them, if this plea will ſerve them in the next world; nor will I diſpute whether the evidence of what I deliver be ſo great as that ignorance may not excuſe them: That queſtion belongs to the Tribunall of God onely: I muſt ſay that, before men, who are clad with fleſh, and whoſe hearts cannot be pierced by other mens gueſſes, the Law is, that not onely the intention bee good, but alſo the action be intelligent and prudent; otherwiſe, we are ſubject to believe, that ſome vanity or ſecret hopes doe byaſs the actor and make his proceeding irrationall. I muſt alſo tell them, that this principle, *Fiat Juſtitia & ruat cœlum*, is ſeldome practiſed amongſt the wiſe; who all agree that Charity and Pru-

Prudence ought ſtill to moderate the rigour of Juſtice. It is alſo too metaphyſicall for a morall way, to thinke that Juſtice is a *Platonick Idea* in the concave of the Moone; no waies to be changed by circumſtantiall occurrences: Whereas, the truth is, Juſtice is but a partiall and commanded vertue; and that which governes in man, is reaſon or his owne nature and inclination to make all his actions connaturall and fit for a rationall Creature; and ſo may conſult whether Juſtice be in ſome to bee adminiſtred, and pronounce that *Summum jus eſt ſumma injuria.*

But, the capitall in this matter is, that truely there is no juſtice on either the Magiſtrates or Peoples ſide, to binde to the reſtoring him: both theſe depending on the promiſe made, and the force of the pro-

promiſe being none, ſince the ground of it is changed. For, the ſubſtance of the promiſe made to a Magiſtrate, is, To obey him as a Magiſtrate, that is, as farre as is fitting for the Common-wealth and peace; he being nothing but the inſtrument of the common good: Now, take away that fitneſſe for the Common-wealth, and that which gave ſtrength to the promiſe is gone, and the promiſe it ſelfe is no more a promiſe, nor can any obligation ariſe from it. Who knows not, that the promiſe of any man depends on his intention, his intention on his knowledge, his knowledge reacheth no farther then his conſideration and preſent memory when he maketh the promiſe? So that, in nature, a promiſe reacheth onely to preſuppoſed and thought on circumſtances: and who, when he ſweareth to a Magiſtrate, expecteth to ſee him

him dispossessed and turned off?

Nature annulleth promises: as, when we promise to come such a day, and either die or are imprisoned before. Morality annulleth them: as if we promise to run such a horse against another a month hence, and the horse in the meane time falleth lame; who will condemne the master for not venturing on such a race? Is not the man better then his word? If then the man himselfe bee lesse then the common good, which he must violate by keeping his word; can his word be greater? But a promise must many times bee kept even with losse of life? I deny it not: But, first, I must bee assured it is a promise; which before I have declared to bee none: For, our case is a case of Nature not of Law, we admit no presumptions; nothing what he meant to doe or should have done, wee onely regard what

what was done. Secondly, if it were intended to be ſo promiſed, it was wicked and irrationall; for, to promiſe to regard a private mans good againſt the common, is unnaturall and wicked; therefore, it never was a promiſe, can never binde as ſuch, nor be profeſſed with honour, either to be made, or, if made, to bee kept. I need not inſiſt upon the confirmation by oath: for, every one underſtands, if the Oath be but a confirmation of a precedent promiſe, and there were no promiſe, there can be no oath, to have the nature and force of an oath.

So that, this is manifeſt, a Magiſtrate actually diſpoſſeſſed hath no right to be reſtored, nor the Subject any obligation to ſeek to reſtore, but oppoſe him. For, what is man, or rather mankinde (for, ſo we have ſtyled a nation) better then a herd of ſheepe or oxen, if it bee

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to bee owned, like them, by maſters? What difference is there betweene their Maſters ſelling them to the Butcher, and obliging them to venture their lives and livelihoods for his private Intereſt? Wee know it is naturall, that the part ſhould venture for the whole; but that the whole ſhould venture the loſſe of it ſelfe to ſave the part, I cannot underſtand. The Governour is the higheſt and nobleſt part, yet but a part; the People is the whole, the End, (though not by office, yet by worth and dignity) the Maſter and Lord, for whom thoſe who are Lords by office are to be veſted and deveſted in Lordſhip, when it is neceſſary for the common good: who thinks otherwiſe, deſerves not the name of a man.

The Seventeenth Ground.

Of a ſupreme Governour diſpoſſeſſed.

But one will object, if hee were wrongfully diſpoſſeſſed, hee ſuffered wrong; it cannot then but bee reaſon hee ſhould have reparation. And this cannot bee denied. But beſide the Governement taken from him, hee was peradventure injured in his reputation and ſpoiled of ſuch aliments as are fit to maintaine him according to the quality of his birth and education: And, for theſe, hee may, as a private man, demand reparation; but ſo, as ſtill to remember he is a Denizen of that Countrey, a member of that people, and compared to it as a particular to its univerſall; and may demand his ſhare, yet ſo that if it cannot bee obtain-

obtained without the concuſſion of the publicke, hee is to renounce it and ſacrifice that intereſt to the good of his Countrey.

Likewiſe, on the oppoſite ſide, the Common-wealth may demand reparations againſt the diſpoſſeſſed Magiſtrate, who abuſed it or his ſubjects during his governement: Not touching any thing hee did upon intention of the publick good, though it were breaking of known Laws or any injurious violence offered, with pretence of ſerving the Common-wealth; For, the truſt put in his hands vindicates him from all ſuch actions, as long as they beare the face of any intention of the Common good. But, if, for private mens ſatisfaction, or his owne luſt, or covetouſneſſe, hee did any wrong, of that hee may bee asked an account: not while hee is in Governement but after the diſpoſſeſſion,

when now the common diſtemper followeth not the proſecution of ſuch riots, and ſo, his publicke protection beeing gone, hee is but a private man, and conſequently, by the force of nature, ſubject to a ſtronger; obligations of common good and former promiſes beeing now faded away, and hee left in the condition of a ſtranger, ſaving that his demerits follow and purſue him, if other merits doe not counterballance them and exempt him.

Againe, when hee is to bee judged, he cannot bee proceeded againſt by Law; which can judge none but the offenders againſt it. Now wee have had often occaſion to declare that the chiefe Magiſtrate is not under the Law; the common good for which the Lawes themſelves were made, beeing committed to his truſt, and the end hee is to look after

ter beeing higher then the Lawes, which are but a part of the meanes to arrive at that end, and therefore inferiour and ſubordinate to it. But thoſe who could put their owne agreements, that is, the Lawes under his feet, could not put Nature under them, nor authoriſe him to doe any irrationall or unhandſome action: Therefore, when the ſtructure of the Common-wealth is diſſolved, that is, disjointed from him, then any who hath ſuffered wrong in the fore-declared manner may bee party againſt him and proceed as if there were no Common-weath; by the Law which, in a Wilderneſſe, warranteth us to kill a Tyger or Robber that ſeeketh to kill us, not pretending Law for our action, but that it is manlike & rational. Neither ought it bee called puniſhment that is done againſt a diſpoſſeſſed Magiſtrate, but rather revenge, or ſome

other name that includeth no order to Law.

By this wee understand the truth of that famous question; Whether a Soveraigne bee under the Lawes? to which is ordinarily answered, that hee is, as farre as his example and direction is necessary to his subjects; but not so, that the Law, as such, hath any superiority or force upon him. To declare this more plainly, wee must remember, the Rule of his actions is, To doe what reason teaches a man in his posture ought to doe, that is, what is fitting for the publicke: Now generally speaking, the common good requireth that the Lawes bee observed betwixt fellowes of the same Common-wealth; wherefore Nature teacheth him to give example of that observance, as farre as his publick office permits.

Besides, in the very person of the So-

Soveraigne are to bee diſtinguiſhed, his beeing one of the Commonwealth, and beeing the head or Magiſtrate: So that, though his beeing a Magiſtrate exempts his publicke actions and alſo his perſon and private actions from the inquiſition of the Law; yet it doth not exempt his private actions from the proportion to thoſe of the ſubjects, that is, from being good or bad, becauſe like or diſlike to the actions which the Law commandeth or forbiddeth. So that, he is not, even in his private actions, ſubject to the Lawes at his *rule*; for *that* is onely reaſon; but, as they are a kinde of way chalked out to him for the materiall part of his action; as the Architect frames his houſe for him; or the Gardiner his walkes: That is, the Lawes are to him as an art under him, an art to ſhew him what is to bee done, not to command or

puniſh him for not doing; nay, not ſo much as neceſſitating him to doe, at leaſt, univerſally, whether the buſineſſe be purely betwixt ſubjects, or betwixt himſelfe as a private perſon, and his ſubjects.

For, the principle of common good beeing higher then the art of making Lawes, may, nay ought in ſome caſes, differ from the preſcriptions of the Law. Yet this muſt not authorize him to diſpenſe frequently with the Law; the Govermement beeing not poſſible to bee good in which there is no conſtancy: But, if the circumſtances require any Law to bee often forced; the Law it ſelfe ought to bee limited, that the practice of the ſubject may bee firme and cuſtomary, which is that maketh the Lawe-pleaſe. Thus in concluſion, though the Magiſtrate bee not commanded by the Lawes, nor perſonally ſubject to them, yet reaſon

reason (which is his rule) bindeth him to observe them as the good of his people; and (ordinarily speaking) essentiall to his end, which is the common good. The Lawes therefore are his matter to work on, or instruments necessary to work by, not his rule or Mastering directions.

There remaines yet untouched the question that seemeth most troublesome to many, When the change of the Governement is valid, and such as the subjects obedience is due to the new Magistrate and to bee substracted from the old, how unjustly soever hee were bereaved of it. And, others have sought by terme of yeers to decide the difficulty: among whom, one was Pope *Urban the eight*, an intelligent and generous Prince and well versed in politick Governement. Hee published a decision that after five yeers

quiet poſſeſſion of an eſtate, the Church was not bound to take notice whether the title were lawfull or no; but acknowledge the poſſeſſour, in Eccleſiaſticall buſineſſes. So much hee ſaid for aimes ſake. But, wee muſt proceed upon other principles, that is, the forelaid and main *baſis* of our diſcourſe, that the common good ought to bee the rule of the Magiſtrates title, and the ſubjects obedience.

Out of which this followeth, that when ever (conſidering all things) the common good is cleerly on the poſſeſſors ſide, then the diſpoſſeſſed hath no claime. Neither ought wee expect till wee have aſſurance, that it will not bee better for the ſubject if the late owner (after great dangers, gaineth his former power: For, firſt, this it ſelfe is uncertaine; ſecondly, the ſucceſſe of endevours to reſtore him

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muſt bee hazardous; thirdly, many and great miſchiefs, during the time of the attempt, are altogether unavoidable; and all this to bee ballanced againſt thoſe uncertaine hopes. Nor, againe, muſt wee expect that the wills of all the ſubjects concurre, actually, to the acceptance of the new Governour: For that is either impoſſible or of ſo long expectation, as to ruine all diſſentions and jealouſies in the meane time: Nay, the vulgar ſort are ſo eaſily led by fancy, that they underſtand not the common good, nor what they ſhould wiſh.

But you may demand, How ſhall it bee knowne when the common good holdeth it ſelfe on the poſſeſſour's hand? I anſwer, wee muſt firſt ſee who are the common, whoſe welfare is to bee preferred before private intereſts. And preſently it appeareth that, dividing the

the whole people into Governours and governed; the governed part is the Publicke to whose good the Governours are to direct their paines: And that these are they that spend their lives in seeking their owne profits, either by improving the Land, or in Arts and Handicrafts: Whence, it followes, when their good stands on the possessours side, then cleerly hee begins to gaine right and power; and this is plaine to bee, when the Merchant, the Husbandman, and Tradesman, with their appendices, are in an undisturbed practice of their functions, and begin to bee afraid of change upon the noise of an invasion.

This resolution could not bee doubted, were it not that one might object, that what is said seemes true, abstracting from circumstances; but it ought to bee considered, that such

such men see nothing but the outward appearances of what passes in humane negotiations, and so there may many circumstances lie hidden from them, which would make them thinke or wish otherwise if they knew them: As, for example, home-discontents, and forraigne conspiracies; which if understood, would make these honest men preferre a warre, after which there is to follow a peace farre exceeding the present quiet and such a one as deserves the intervening disturbance and dammages.

And indeed, I allow these men understand not such mysteries of State, nor penetrate the value of the hazard: But, if they doe not, why are they not also exempted from engaging on those motives? and then the rest of the Common-wealth will bee but so many private men, who must follow the common. Againe,

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if they think themſelves well, they manifeſtly conſent to the preſent Governement, and therefore cut off the title of the diſpoſſeſſed Governour. Beſides, who can anſwer they ſhall be better by the returne of the diſpoſſeſſed party? ſurely, by common preſumption, the gainer is like to defend them better then he who loſt it.

But, let us overſlip this opportunity and end of the common Good: how long muſt we expect, till it ſhall be ſuppoſ'd the right of the former Magiſtrate is extinct? Some Ages? as wee kept our title to *France*, and *France* did to *Sicily* and *Naples*: Or at leaſt ſome generations? as the durance of the *Spaniards* warres upon *Holland*: Or, till the former Magiſtrate declares the relinquiſhment of his right? Or, till his followers are weary of inventing new devices, to blind, & ruine their unwary friends?

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All theſe are ſoone diſcern'd to bee meere uncertainties; and rather nets to catch fools and bring them to the ambitious deſires of ſome few men, then any grounded reaſon. But, what if an open Enemy ſhould come, could or ought the Subjects joine againſt him with their new Magiſtrate? If not, the whole publick muſt periſh: If they may, then the caſe is the ſame againſt their old Magiſtrate; ſince his right ſtood upon the common peace, and that is tranſferr'd from him to his rivall by the title of quiet poſſeſſion.

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The Eighteenth GROUND:

The Objection of Divines answered.

REason hath plaid its part; but Authority cannot be silenc'd unheard. Let us therefore hearken to what it saith. And, first steps up the Divine to preach us, out of Scripture, the duty wee owe to Priests and Kings; no lesse then death and damnation beeing the guerdons of rebellion and disobedience. The Lawyers come yoaked from the Popes and Emperours Court, taking for maxime, *Tempus non occurrit Ecclesiæ & Regi.* The practice seems to confirme the same; wee seeing both some Noble men and divers Cities make protestations against the possession of others for many years and ages. But, which is more,

more, they will ſpeak reaſon too at leaſt, by the Divines mouth; who telleth us, that God, by nature, is high Lord and Maſter of all; That whoever is in power receiveth his right from him; That Obedience conſiſts in doing the will of him who commandeth; and concludeth that this will ought to bee obeyed till God taketh away the obligation, that is, till hee who is to be obeyed himſelfe releaſeth his right.

The Authorities they cite out of Holy Writ are, for the moſt part, meere commands to obey where obedience is due, without ſpecifying what or when it is due. This command is extended to wicked and evill Governours as well as good. One place there is, where *Samuel* denounceth to the people the evills that will come to them by the power of the King; and calleth them *Jus Regis*, or, as the Hebrew text, *Judicium*

um Regis, or, *Legem Regis*, and afterward, *Regni*. And theſe words are, in two ſences, true; one, that the King would do the wrongs there mentioned, by force; the other, that the people, ſince they would have a King, ought not to reſiſt him when hee did ſuch things. Yet doe I not deny but, if the particulars there mentioned, bee interpreted gently, all that is there recited might, with juſtice, bee practiſed by a King: As, when it is ſaid hee ſhould take away their Vineyards and Olive-gardens; it may bee underſtood, upon confiſcation and by other lawfull wayes. Beſides, they may peradventure alledge that God, by his ſpeciall command, transferred the Kingdome from *Saul* to *David*, from *Roboam* to *Jeroboam*, and ſome others. But, they ſhould alſo let us know, what they deduce from hence: For in ſuch changes, God gave no

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new Authority or Power to ſuch Kings, but the ſame their predeceſſors had: So that, in fine, all that is brought out of Scripture falleth ſhort of proving that no time can make void the right of a King once given him from the hand of God.

The reaſon of this weak way of alleadging Scripture is, that when they read that God commandeth or doth this, they look not into nature to know what this commanding or doing is; but preſently imagine God commandeth it by expreſſe and direct words, and doeth it by an immediate poſition of the things ſaid to bee done; whereas in nature the commands are nothing but the naturall light God hath beſtowed on mankinde, and which is therefore frequently called the Law of nature. Likewiſe, Gods doing a thing is many times onely the courſe of naturall ſecond cauſes, to which becauſe

cauſe God gives the direction and motion, hee both doeth and is ſaid to doe all that is done by them; as truly as the weight of a Jack turnes the meat upon the ſpit, and the ſpring of a Watch makes the clock of it ſtrike: A notion not onely of a large extent and uſefulneſſe in it ſelfe, but, which gives mee juſt occaſion of complaining againſt theſe verball and winde-blowne Divines, as the bane of Chriſtendome and Chriſtian doctrine. For, whereas the Scripture is a book enriched with all Science and depth of learning; this ſort of Grammar Divines, without either Logick, Philoſophy, or Morality, meerly by the vertue of their Dictionary, and ſuch like lip-learning, undertake to bee interpreters of the ſacred Bible, and in ſtead of the ſence of the letter, obtrude to the Readers their owne low and many times phreneticall fancies.

Let

Let us instance in our present question. The first position they take is, That God is Lord and Master of all things. What seems, nay truly is more conformable to Scripture and Reason then this assertion, as it lies in words? And yet many not looking into the nature of God and rationall and intelligent substances, make a shift to pervert it into a meer blasphemy: For, if the sence bee onely this, that God is omnipotent and no resistance possible in any creature to his absolute will; nothing is more certaine, nothing more holy. But, this is not the meaning of the Divines; but, that there is an Attribute or notion in God of being Lord and Master, to which they do not say we cannot, but, ought not resist, and rather admit that wee can. And herein is the first faltring, that, in effect, they deny the Omnipotency, and reduce that which is a true

true phyſicall power to a Morall obligation. But this is not all.

The next point is, that, if even this Morality were founded in that great nature of Beeing, and beeing intelligent, which is in God almighty; and that they alſo held his commands were to bee obeyed, becauſe they proceed from an underſtanding which cannot erre, and which is eſſentially the very order and well beeing of all creatures; the former would ſeeme pardonable: But, they will have it quite contrary, that therefore things amongſt creatures goe well, becauſe not reaſon, not the eminentiall beeing of themſelves in God is their off-ſpring, but becauſe a high and overpowering will or voice commandeth it ſo. A poſition in reſpect of God, abſolutely blaſphemous; as far as it makes him worke without the guidance of his underſtanding, that is, like the

the loweſt order of creatures, as ſtockes and ſtones &c. It is againe afflictive and vexatious to Mankinde; taking away that ſweetneſſe of obeying, which conſiſts in the perſwaſion that becauſe creatures are the participation of Gods owne nature, every one in its degree and mankind in the firſt and higheſt place, therefore all Gods command and governement, are moſt conformable to their good, as it were ſalves to their ſores, and allurements to the bringing them to their final end and perfection.

But, that which is more to our purpoſe is, that, upon this blaſphemy againſt God, they build the greateſt inconvenience that, peradventure, is to bee found in man's nature; to wit, That God gives to all in Power the likeneſs and participation of this irrationall Dominion which they conceive in him;

him; and that truly there is in Superiours a kinde of dote or free gift of Mastery derived from God, in vertue whereof hee is Master of the inferiours and what belongs to them, either wholly or in a certaine measure, according to the extent of the power given; that, lawfully and validly, he may dispose of all or a certain part of the things under his charge, meerly because such is his will and pleasure, & that the subject ought to be content to let him doe his will, upon this score, Because it is Gods will that this mans will should be fulfilled. Which doctrine, though it bee manifestly against Christs directions left to his disciples, and the practice of all good men; yet, because this Treatise doth not pretend to Divinity, I will onely insist upon its naturall inconveniences.

As first, that it is not connatu-

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all to Mankinde: which, consisting, for its better part, in understanding, is not governed conformably to its disposition, unlesse it be so guided that the understanding be principall and satisfied in it selfe and leader to the will and action; which course of proceeding when it is observed, then is a man truely a man and his action goes on with sweetnesse, as is before declared. Againe, it maketh the Governour proud, insolent, and careleſſe. Proud, because hee taketh himselfe to bee of another orbe then his Subjects; that they are all slaves and beasts, himselfe onely Master, himselfe onely intelligent and a man. Insolent, because fully perswaded, by this doctrine, that he can doe them no wrong; that they are bound to suffer what he layes on them; that his pleasure is and must be their content and rule. Careleſſe, because

he thinks he hath no account to make, either to God or Man: not to God, since he hath submitted the people to his will and disposition; and therefore he being incapable of doing them any wrong, cannot bee charged with any crime: Much lesse is he sollicitous to content his Subjects, in whom he taketh it for an insolency to repine at any thing, and esteemes it their duty to commend all he does, and to have his authority for their rule to judge all things by.

On the other side, the Subject becomes base, restive, ambitious. For, the worth and dignity of man, which is his Liberty or guidance of himselfe, being taken away, it followes, he must be servile and flattering, a slave, a body without soule and understanding. The more worldly and rustick part must, of necessity, grumble and feele it harsh

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to ſee their labours diſpoſed on to people, of whom they have opinion that they are idle, vicious, and unworthy: and therefore, deſire liberty from ſuch a yoke, and to become maſters of their owne goods and labours; and are eaſily ſuſceptible of propoſitions tending to that purpoſe, when they come from faire tongues. Laſtly, the higher Spirits have Governement in admiration, and take it for the onely happineſſe; and therefore have their hearts wholly bent, how, by flattery, by cunning, by force, to arrive to this power to depoſe him that is in poſſeſſion, and ſit downe themſelves in his ſeat of glory. If their hopes mount not ſo high, for the impoſſibility of the fact and the remoteneſſe of their quality; then their aime is, by adulation and compliances, to come neere the higheſt, to bee participant of his authority,

and have the like power to rob and oppresse, which they esteeme vertuous and glorious in him, and not unjust but fitting in themselves, as farre as they can doe it by the participation of that dote which God hath bestowed upon the highest Magistrate.

Lastly, we must looke into the lame proceeding of the common good and publicke actions of such a Governement; where the Subject, by the consequence of this doctrine, is set eagerly upon his owne interest, thinkes all lost that is done for his, not Governour or Protector, but Lord and Master, and therefore alienated from him. Whence, it must come to passe that, what he can couzen, what hee can excuse, what hee can delay, hee is still forward to; and, by a secret instinct of nature which abhorreth such a Governement, thinketh it well done

done, though he cannot give an account to justifie his action. In a word, who sees not this Commonwealth to be a Kingdome divided in it selfe alwayes in affection, and very neere in outward action; wanting thereunto nothing but an occasion, and some head to manage the sedition? who sees not that the whole Governement is violent; and so may indeed continue whilst actuall force hangeth over it, but hath not the possibility of a naturall duration and length.

The nineteenth GROUND.

The Authority of Lawyers insufficient in this Question.

THE *Divines* errour being thus discovered, our plea against the *Lawyers* will be of lesse either debate or consequence: for, this question belongeth not to their science or employment. The maximes, the rule, the highest Tribunall of their Judgements is the text of the Law, the agreements of men, and, at most, to declare the Law-makers intention: But, to judge whether the Law-makers intention be conformable to nature and such as it ought, whether he exceedeth his power, whether hee bee Master of the Lawes, and the like, is beyond the verge of their jurisdiction. Therefore, nothing

thing is more absurd, then to demand that Lawyers should plead cases betweene the Soveraigne Magistrate and the Subject, where the common good and Governement is interessed: For, there, things are not to be carried by the Dictates of *Justinian* or *Lancelotus*, or the command of *Cæsar* or *Peter*'s Successours, but either by the Science of Politicks, or the certitude of Faith and Tradition; which are the onely two rules a high Governour hath. If the Divine findeth any thing contrary to the knowne Law of God, he may speake: If the Philosopher finde any thing against the Nature of Man, his mouth is not to bee stopped: The Lawyer, what can he say? It is against the agreement heretofore made by the Governement of the Countrey? The Governour may reply, Yes; but what you say is against the present

good of the Countrey, with which I am entrusted. Is the Countrey made for the Lawes, or the Lawes for the Countrey? The Lawes therefore must give place, where the good of the People is against the former Resolutions. If any Law be repealed by the Authority which made it, or by another equal; is it the Lawyers part to plead what was Law before, or what is now? when a supreme Governour speaketh as such, as declaring what the present necessity requires; if any former Law bee against it, it is by his declaration annulled; it was Law before, but it is not now. But the Lawyer will reply, There is no Law in the Land which giveth such authority: It is easily answered; it is not a case for which a Law is to bee made. See the Romane Government: when there came an exigence of desperation, all their Magi-

Magiſtrates, all their formes ceaſed; a Dictatour was made, whoſe word was Law, nor could any man appeale to Law. Such is the Caſe when the high Governour pronounceth againſt the Law: for hee ought not to doe it, but when the Law ſtandeth not with the good and ſafety of the Subject; and when hee doth, Law is not to be pleaded againſt him.

Againe can any Law be enacted of what ſhall bee done in caſe of a converſion of the Governement? It is clearely a folly to pretend it. The ordering of the Commonwealth is, then, in new hands: The former's power is expired: and to preſcribe rules to them who will aſſuredly be their owne Judges, is a piece of great ſimplicity. The Lawyer may peradventure reply, There is no power in the Land to repeale the former Lawes or to op-

poſe them. I thinke hee will bee wiſer; yet, if hee doth ſay it, I aske him, Who made the former Lawes? was it not the People, by themſelves or their deputies? and which is the ſtronger, if they make them by their deputies, or by themſelves? Certainely, it will be anſwered, By themſelves; for the deputies have no power but what they impart to them. Is it then poſſible to put a Caſe, in which there is no power in a Countrey to repeale Lawes? Evidently, who ſayes ſo muſt ſay there is no People in the Countrey? For, if there be People, there is in them a power to diſpoſe of themſelves, more ſtrong then in Deputies.

But the Lawyer may ſay, the People cannot ſpeake their mindes freely. I anſwer, certainely, they not onely can, but cannot chooſe but ſpeake their mindes, in the caſe

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we put. Who knoweth not that Liberty and ſpeaking of ones minde beſo geth to all circumſtances a man can be put in? The Merchant that, in a Tempeſt, throweth the precious fruits of his venture and labour into the Sea, doth not he doe it freely and willingly? The *Hollanders* of late made a peace with the *Spaniard*; wee, both with the *Hollander* and the *Dane*, and are pretending to others: In any of theſe, were all parts pleaſed? Did no party agree to ſomewhat which hee would not have done, but in conſideration of his preſent circumſtances? Or, was there ever peace made after a warre, but one part grudged at ſomewhat? muſt none of theſe be accounted freely done? muſt none of theſe promiſes binde, and be kept, upon Honour and Veracity? This is to deſtroy all commerce of mankinde; nay, not to

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allow man so much wit as to know what is fit for him to doe in time of necessity. If then the People speake, in one circumstance, something that they would not in another; it is not to be said they speake not their mindes, but that, according to circumstances, they alter their mindes, as all wise men doe. They agree and submit to the present conjunctures, not because they are not free, now as before, but because circumstances are changed, and now render it fitting. But, I said that, in the case I put, they could not choose but speake. My case was, that Then a Governour is acknowledged, when the People casting off the care and thoughts of innovation, fall to their trades and manufactures: Can it be deny'd that by so doing they acquiesce to the present Governement? which if they doe, can it be questioned whether they

they consent or not to the repealing of all such Lawes as cannot stand with the present Governement? Such Lawes therefore are repealed, not by deputies, but by the Deputants and Masters of the Deputies. The Lawyer, therefore, must either proclaime the present Governement none, or not plead Law against it: for it is pure folly to admit both, that is, faire and full contradiction. In a new Governement, all Lawes prejudiciall to it are annulled, by the pure admission of it: Other *indifferent* Lawes so goe on, as to bee subject to its judgement, whether and how farre to stand; but a wise Governour will continue them as farre as hee can with prudence, because innovation is contrary to the sweetnesse which is in custome, as in a kinde of nature.

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The Concluſion.

BEE this then ſo reſolved, That God himſelfe hath no irrationall and dead title of Lordſhip over his Creatures, but onely his all-right-ſetled Underſtanding, and irreſiſtible Omnipotency. And, as hee hath none in himſelfe, ſo likewiſe not given any to thoſe hee hath put in Authority; but, that their power is either in the ſubmiſſion of the Subject by promiſe and agreement, or in the rationall diſpoſition of the Magiſtrate, which maketh him work what is conformable to humane nature; and the obedience or obligation to obey in the Subject is out of this, That hee hath entruſted the Magiſtrate with the Governement, and is, by that, to ſuppoſe he doth regularly what

is best (all things considered) for the common good.

That, by consequence, the title of the Magistrate begins and dies with the good of the Common-wealth; and holdeth purely so long as it is good for the people. That, no Lawes made by the power or agreement of men, can judge betwixt Subject and Soveraigne, in dispute of the common good and Governement; but onely the Tribunalls of God and Nature, or Divinity and the science of Politicks: And therefore, the maximes of Law have no force in these questions; Now, if Princes lose their pretences by the force of Nature, it is ridiculous for private men to build hopes, upon rotten titles of ages long passed, upon weake maximes of Law, after Nature, by her revolutions, hath cast all Law and mortall acts and agreements.

And

And so is finished this small Treatise, to the profit of them who are able and willing to make use of it. Some, by the method I have used, something new in morall discourses, may imagine the Doctrine I deliver, to bee more subtle in explication then solid in practice: But, let them either looke into the Causes of Governements, or the Effects; they will see nature and practise both conspire to give testimony to the truth. The cause of all morall effects, if morally carried, are the end and intention for which they are sought and endeavoured after; This is manifest to bee the well-being of particulars under a Governement. The practises, which are the Effects, will shew, That Governements breake when it is not well with the Subjects, but they are oppressed by the Governour; That wise and good Governours are forced

ced ſometimes to breake diſordered rules which hinder their free adminiſtration; That people, as it were, forced by naturall changes, violate the promiſes made to their Governours, caſt them off when they think them pernicious, and proceed againſt them, *per viam facti*, as they ſpeake in the Schooles, not by Lawes, which cannot bee made for ſuch matters. Theſe are, in a manner, the whole ſubject of the precedent Diſcourſe.

FINIS.